

General Docket
United States Court of Appeals for the First Circuit

Court of Appeals Docket #: 02-1697
Nature of Suit: 3440 Other Civil Rights
Rolland, et al v. Romney, et al
Appeal From: District of Massachusetts, Boston
Fee Status: filing fee paid

Docketed: 06/10/2002
Termed: 01/28/2003

Case Type Information:

- 1) civil
- 2) private
- 3) other statutes

Originating Court Information:

District: 0101-1 : [98-30208](#)
Court Reporter: Virginia Lanoue
Court Reporter: Alice Moran
Court Reporter: Sara Mubarek
Court Reporter: Nicole Pouliot
Ordering Judge: Kenneth P. Neiman, Magistrate Judge
Date Filed: 10/29/1998
Date Order/Judgment: 05/06/2002

Lead: [98-30208](#)

Prior Cases:

None

Current Cases:

	Lead	Member	Start	End
Related	99-8009	02-1697	06/10/2002	

Panel Assignment: Not available

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LORRETTA 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; THE ARC OF MASSACHUSETTS; STAVROS CENTER FOR INDEPENDENT LIVING

Plaintiffs - Appellees

THE ARC OF THE UNITED STATES; NATIONAL ASSOCIATION OF PROTECTION AND ADVOCACY SYSTEMS; BAZELON CENTER FOR MENTAL HEALTH LAW; NATIONAL HEALTH LAW PROGRAM; SENIOR CITIZENS LAW CENTER;

Amici Curiae

v.

MITT ROMNEY, Governor of Massachusetts; FREDERICK LASKEY, Secretary of the Executive Office of Administration and Finance; WILLIAM O'LEARY, Secretary of the Executive Office of Health and Human Services; BRUCE 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 - Appellants

- | | | |
|------------|--------------------------|---|
| 06/10/2002 | <input type="checkbox"/> | CIVIL CASE docketed. Opening forms sent. Notice filed by Appellants Frederick Laskey, William O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare & Jane Swift. Appearance form due 6/24/02. Docketing Statement due 6/24/02. Transcript Report/Order due 6/24/02. [02-1697] (FP) |
| 06/10/2002 | <input type="checkbox"/> | RECORD filed: (6 boxes) Box 6 contains "Plaintiffs Exhibits" [662434-1] [02-1697] (FP) |
| 06/10/2002 | <input type="checkbox"/> | Involvement of attorney Kristi A. Bodin for Jane Swift, Teresa O'Hare, Howard Koh, Elmer C. Bartels, Gerald Morrissey, Bruce M. Bullen, William O'Leary, and Frederick Laskey terminated. [02-1697] (FP) |
| 06/10/2002 | <input type="checkbox"/> | Involvement of attorney Rosemary S. Gale for Jane Swift, Teresa O'Hare, Howard Koh, Elmer C. Bartels, Gerald Morrissey, Bruce M. Bullen, William O'Leary, & Frederick Laskey terminated. [02-1697] (FP) |
| 06/10/2002 | <input type="checkbox"/> | Involvement of attorney John Reinstein for Greater Boston Legal, Western Ma, Neighborhood Legal, Massachusetts Cor, American Civil & Massachusetts Law terminated. [02-1697] (FP) |
| 06/17/2002 | <input type="checkbox"/> | APPEARANCE filed by Cathy E. Costanzo for Appellees Margaret Pinette, Frederick Cooper, Bruce Ames, Terry Newton & Lorretta Rolland. [664450-1] [02-1697] (FP) |
| 06/17/2002 | <input type="checkbox"/> | APPEARANCE filed by Steven J. Schwartz for Appellees Margaret Pinette, Frederick Cooper, Bruce Ames, Terry Newton & Lorretta Rolland. [664452-1] [02-1697] (FP) |
| 06/19/2002 | <input type="checkbox"/> | APPEARANCE filed by Peter T. Wechsler for Appellants Jane Swift, et al in 02-1697. [665147-1] [02-1697] (FP) |
| 06/19/2002 | <input type="checkbox"/> | DOCKETING STATEMENT filed by Appellants Jane Swift, et al in 02-1697. [02-1697] (FP) |
| 06/20/2002 | <input type="checkbox"/> | APPEARANCE filed by Richard Belin for Appellees Margaret Pinette, Frederick Cooper, Bruce Ames, Terry Newton & Lorretta Rolland. [665324-1] [02-1697] (FP) |

- 06/20/2002 ATTORNEY Kristi Garland Hatrick for Appellees Margaret Pinette, Frederick Cooper, Bruce Ames, Terry Newton & Lorretta Rolland added to case. [02-1697] (FP)
- 06/20/2002 APPEARANCE filed by Kristi Garland Hatrick for Appellees Margaret Pinette, Frederick Cooper, Bruce Ames, Terry Newton & Lorretta Rolland. [665332-1] [02-1697] (FP)
- 06/26/2002 APPEARANCE filed by Matthew Engel for Appellee Lorretta Rolland. [666623-1] [02-1697] (FP)
- 07/05/2002 TRANSCRIPT REPORT/ORDER for Appellant Jane Swift Defaulted. Your case will be dismissed if you do not file your Transcript report/order by 7/22/02 . (FP)
- 07/05/2002 APPEARANCE filed by Frank J. Laski for Appellees Margaret Pinette, Frederick Cooper, Bruce Ames, Terry Newton & Lorretta Rolland. [668601-1] [02-1697] (FP)
- 07/12/2002 TRANSCRIPT REPORT/ORDER filed by Appellants Jane Swift, et al. Transcript(s) are already on file with the Clerk's Office. [02-1697] (FP)
- 07/12/2002 BRIEFING SCHEDULE. Appellant's Brief due 8/21/02. Appendix due 8/21/02. Appellee's Brief due 9/20/02. Reply brief due 10/4/02. [02-1697] (FP)
- 08/05/2002 DESIGNATION of contents of appendix to brief received. Courtesy Copy sent by AAG Peter Wechsler. [02-1697] (FP)
- 08/19/2002 ORDER filed. Appellants, Jane Swift's, et al. brief, filed on 8/16/02, has been rejected for noncompliance with the following Federal Rules of Appellate Procedure and/or Local Rules of this Court: * Fed. R. App. P. 32(1)(A), requiring that only one side of the paper be used. Appellant's addendum is double sized. Appellant is ordered to file a conforming brief by 8/29/02. A copy of the corrected brief must be served upon the opposing party. The due date for the appellee's brief, shall run from service of the corrected brief, in with Fed. R. App. P. 31. Compliant brief due 8/29/02. [02-1697] (FP)
- 08/21/2002 BRIEF filed by Appellants Frederick Laskey, William O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare & Jane Swift. Length: 50 pages (10,926 words), Copies: 9, delivered by hand. Certificate of date 8/20/02. [680014-1] Appellee brief due 9/20/02. Reply brief due 10/4/02. [02-1697] (FP)
- 08/21/2002 APPENDIX filed by Appellants Frederick Laskey, William O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare & Jane Swift. Copies: 4. Volumes: 2. Delivered by hand, filed. Certificate of service date 8/19/02. [680016-1] [02-1697] (FP)
- 08/22/2002 MOTION filed by Appellees Lorretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, & Margaret Pinette to extend time to file appellee's brief until 10/4/02. Ext. Code: OTH. Certificate of service dated 8/21/02. [02-1697] (FP)
- 08/27/2002 ELECTRONIC DOCUMENT (brief on disk) filed by Appellant Jane Swift, et al. [02-1697] (FP)
- 09/10/2002 ORDER filed. Upon consideration of motion of appellee, It is ordered that the time to file the appellee's brief be enlarged to and including 9/24/02 only as this case is tentatively scheduled for oral argument in November. Appellee Brief Due 9/24/02. [02-1697] (FP)
- 09/20/2002 Case Re-assigned to Simon. [02-1697] (TW)

- 09/24/2002 BRIEF filed by Appellee Lorretta Rolland, et al. Length: 62, Copies: 10, delivered by mail. Certificate of service date 9/23/02. [690295-1] Reply brief due 10/8/02. [02-1697] (SU)
- 09/24/2002 ELECTRONIC DOCUMENT filed by Appellees Lorretta Rolland, et al. [02-1697] (SU)
- 09/27/2002 MOTION filed by Appellee Lorretta Rolland. "Plaintiffs' Unopposed Motion to File a Supplemental Appendix" Certificate of service dated 9/26/02. (SU)
- 09/27/2002 ORDER. Upon consideration of motion, Leave is hereby granted appellant to file a supplemental appendix. [02-1697] (SU)
- 09/27/2002 SUPPLEMENTAL APPENDICES filed by Appellees Lorretta Rolland, et al. Copies: 5. Volumes: 2. Delivered by mail, filed. Certificate service date 9/23/02. [690299-1] [02-1697] (SU)
- 09/30/2002 Assigned for the month of November, (11/6/02). [02-1697] (SU)
- 10/03/2002 MOTION filed by Arc of the US, Ntn'l Protection and, Bazelon Center for, Ntn'l Health Law Pro, and Senior Citizens Law to file amicus curiae brief. Certificate of service dated 10/1/02. [02-1697] (SU)
- 10/03/2002 PLEADING TENDERED: Amicus, filed by for Arc of the US, Ntn'l Protection and, Bazelon Center for, Ntn'l Health Law Pro, and Senior Citizens Law. [692439-1] Certificate of service date 10/1/02. [02-1697] (SU)
- 10/07/2002 RESPONSE filed by Appellants Jane Swift, et al. "Notice of Statement of Nonopposition to Motion Seeking Leave to File Brief Amicus Curiae in Support of Plaintiffs-Appellees" Certificate of service dated 10/4/02. [692841-1] [02-1697] (SU)
- 10/08/2002 ORDER filed by Circuit Judge Bruce M. Selya, Senior Circuit Judge Frank M. Coffin, and Senior Circuit Judge Hugh H. Bownes. Upon consideration of motion, Leave is hereby granted the Arc of the United States, National Association of Protection and Advocacy Systems, Judge David L. Bazelon Center for Mental Health Law, National Health Law Program, and National Senior Citizens Law Center the filing of an amicus curaie brief. (SU)
- 10/08/2002 APPEARANCE filed by Ethan B. Andelman for Amici Curiae Senior Citizens Law, Amicus Curiae Ntn'l Health Law Pro, Amicus Curiae Bazelon Center for, Amicus Curiae Ntn'l Protection and Amicus Curiae Arc of the US. [693322-1] [02-1697] (SU)
- 10/08/2002 APPEARANCE filed by Buckmaster De Wolf for Amici Curiae Senior Citizens Law, Amicus Curiae Ntn'l Health Law Pro, Amicus Curiae Bazelon Center for, Amicus Curiae Ntn'l Protection and, Amicus Curiae Arc of the US. [693324-1] [02-1697] (SU)
- 10/08/2002 REPLY BRIEF filed by Appellants Jane Swift, et al. Length: 27, Copies: 10, delivered by hand. Certificate of service date 10/8/02. [693386-1] [02-1697] (SU)
- 10/08/2002 ELECTRONIC DOCUMENT filed by Jane Swift, et al. Appellant's reply brief on disk. [02-1697] (SU)
- 11/06/2002 CASE ARGUED 11/06/02. Selya, Coffin, Bownes, JJ. (SU)
- 01/16/2003 Involvement of attorneys H. Gregory Williams, Rosemary S. Gale, and Kristi A. Bodin for Mitt Romney terminated. [02-1697] (SU)

- 01/28/2003 OPINION issued by Selya, Circuit Judge, Coffin and Bownes, Senior Circuit Judges. Signed Senior Circuit Judge Frank M. Coffin, Authoring Judge PUBLISHED [721040-1] [02-1697] (SBT)
- 01/28/2003 JUDGMENT filed closing case. The judgment of the district court is affirmed. [721041-1] [02-1697] (SBT)
- 02/25/2003 MANDATE ISSUED. [02-1697] (SU)
- 02/25/2003 RECORD returned to originating court. (6 boxes) Box 6 contains "Plaintiffs Exhibits". (SU)
- 04/14/2003 MOTION filed by Appellees Lorretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, Arc of MA, and Stavros Center for the court award fees and costs. "Plaintiffs-Appellees' Motion for an Award of Attorneys' Fees" Certificate of service dated 4/11/03. [02-1697] (SU)
- 04/14/2003 MEMORANDUM filed by Appellee Lorretta Rolland in support motion motion to award fees and costs. Certificate of service dated 4/11/03 [744354-1] [02-1697] (SU)
- 05/12/2003 MOTION filed by Appellants. "Appellee's Motion to Remit Attorneys' Fee Request to District Court or, in the Alternative, for an Enlargement of Time" until 5/28/03. Certificate of service dated 5/12/03. [02-1697] (SU)
- 05/15/2003 ORDER filed by Judge Bruce M. Selya, Senior Judge Frank M. Coffin, and Senior Judge Hugh H. Bownes. Appellants' motion to remit the appellees' request for attorney's fees for the appeal to the district court is granted. (SU)
- 02/14/2007 RECORD ARCHIVES LOCATION - Court of Appeals record held at the Federal Records Center in Waltham, MA. Accession No. 276- 060007 Box No. 67 of 183 Archive Date 08-21-06 Brief/File: complete record. [02-1697] (RL)