

General Docket
United States Court of Appeals for the First Circuit

Court of Appeals Docket #: 08-1874
Nature of Suit: 3440 Other Civil Rights
Rolland, et al v. Patrick, et al
Appeal From: District Court of MA, Springfield
Fee Status: filing fee paid

Docketed: 08/11/2008
Termed: 01/19/2010

Case Type Information:

- 1) civil
- 2) private
- 3) torts

Originating Court Information:

District: 0101-3 : [3:98-cv-30208-KPN](#)

Lead: [3:98-cv-30208-KPN](#)

Court Reporter: FTR
Court Reporter: Kathleen Houghton
Court Reporter: Virginia Lanoue
Court Reporter: Alice Moran
Court Reporter: Sara Mubarek
Court Reporter: Mary J. Philbin
Court Reporter: Nicole Pouliot
Trial Judge: Michael A. Ponsor, U.S. District Judge
Ordering Judge: Kenneth P. Neiman, Magistrate Judge
Date Filed: 10/29/1998

Date	Date Order/Judgment	Date NOA	Date Rec'd
Order/Judgment: 06/16/2008	EOD: 06/16/2008	Filed: 07/14/2008	COA: 07/17/2008

Prior Cases:

[02-1697](#)
Date Filed: 06/10/2002 **Date Disposed:** 01/28/2003 **Disposition:** Affirmed
[99-8009](#)
Date Filed: 02/12/1999 **Date Disposed:** 03/02/1999 **Disposition:** Denied

Current Cases:

None

Panel Assignment:

Panel: SLL BMS NHS
Date of Hearing: 11/04/2009 **Date of Decision:**

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(see above)

Anthony S. Fiotto
Direct: 617-570-1324
[NTC Retained]
(see above)

Christiaan H. Highsmith
Direct: 617-570-1927
[NTC Retained]
(see above)

WENDELL ROQUE
Plaintiff - Appellant

Michelle R. Gonnam
Direct: 617-570-1000
[LD NTC Retained]
(see above)

Stephen M. Sheehy
Direct: 781-466-8999
[LD NTC Retained]
(see above)

Anthony S. Fiotto
Direct: 617-570-1324
[NTC Retained]
(see above)

Christiaan H. Highsmith
Direct: 617-570-1927
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(see above)

WILLIAM CAMPBELL
Plaintiff - Appellant

Michelle R. Gonnam
Direct: 617-570-1000
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Stephen M. Sheehy
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Anthony S. Fiotto
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(see above)

Christiaan H. Highsmith
Direct: 617-570-1927
[NTC Retained]
(see above)

v.

FREDERICK A. LASKEY, Secretary of the
Executive Office of Administration and Finance
Defendant - Appellee

David Aaron Guberman
Direct: 617-963-2072
Fax: 617-727-5785
[NTC Government - Other]
MA Attorney General's Office
1 Ashburton Pl.
Boston, MA 02108-0000

William W. Porter
Direct: 617-727-2200
Fax: 617-727-5785
[NTC Government - Other]
MA Attorney General's Office
18th floor
1 Ashburton Pl.
Boston, MA 02108-0000

Kenneth Warren Salinger
Direct: 617-727-2200 ext. 2075
Fax: 617-727-5785
[NTC Government - Other]
MA Attorney General's Office
1 Ashburton Pl.
Boston, MA 02108-0000

WILLIAM D O'LEARY, Secretary of the Executive
Office of Health and Human Services
Defendant - Appellee

David Aaron Guberman
Direct: 617-963-2072
[NTC Government - Other]
(see above)

William W. Porter
Direct: 617-727-2200
[NTC Government - Other]
(see above)

Kenneth Warren Salinger
Direct: 617-727-2200 ext. 2075

	[NTC Government - Other] (see above)
BRUCE M. BULLEN, Commissioner of the Division of Medical Assistance Defendant - Appellee	David Aaron Guberman Direct: 617-963-2072 [NTC Government - Other] (see above)
	Kenneth Warren Salinger Direct: 617-727-2200 ext. 2075 [NTC Government - Other] (see above)
GERALD MORRISSEY, Commissioner of the Department of Mental Retardation Defendant - Appellee	David Aaron Guberman Direct: 617-963-2072 [NTC Government - Other] (see above)
	William W. Porter Direct: 617-727-2200 [NTC Government - Other] (see above)
	Kenneth Warren Salinger Direct: 617-727-2200 ext. 2075 [NTC Government - Other] (see above)
ELMER C. BARTELS, Commissioner of the Massachusetts Rehabilitation Commission Defendant - Appellee	David Aaron Guberman Direct: 617-963-2072 [NTC Government - Other] (see above)
	William W. Porter Direct: 617-727-2200 [NTC Government - Other] (see above)
	Kenneth Warren Salinger Direct: 617-727-2200 ext. 2075 [NTC Government - Other] (see above)
HOWARD KOH, Commissioner of the Department of Public Health Defendant - Appellee	David Aaron Guberman Direct: 617-963-2072 [NTC Government - Other] (see above)
	William W. Porter Direct: 617-727-2200 [NTC Government - Other] (see above)
	Kenneth Warren Salinger Direct: 617-727-2200 ext. 2075

TERESA O'HARE, Director of Region I for the
Department of Mental Retardation
Defendant - Appellee

[NTC Government - Other]
(see above)

David Aaron Guberman
Direct: 617-963-2072
[NTC Government - Other]
(see above)

William W. Porter
Direct: 617-727-2200
[NTC Government - Other]
(see above)

Kenneth Warren Salinger
Direct: 617-727-2200 ext. 2075
[NTC Government - Other]
(see above)

DEVAL PATRICK, Governor of Massachusetts
Defendant - Appellee

David Aaron Guberman
Direct: 617-963-2072
[NTC Government - Other]
(see above)

William W. Porter
Direct: 617-727-2200
[NTC Government - Other]
(see above)

Kenneth Warren Salinger
Direct: 617-727-2200 ext. 2075
[COR NTC Government - Other]
(see above)

ERIC VOSS; LAURA THIBAUT; FREDERICK CARTER; CHRISTOPHER PALEO; ANGEL AGOSTO;
KIMBERLEY LAWRENCE; KELLEY SCHNAIR; ROBERT BUCKMAN; NICOLE KEATING; MUSA
NURISLAM; CHERYL COURTNEY; LENNIE LEBLANC; LAURA PUTTERMAN; PEDRO CAVALLARO;
DAVID BRAGA; AMANDA WATTS; ERIN POULIN; SHERI BELVILLE; ALISSA CORMIER; BELEN
GARCIA-SIMMONS; JESSE STEWART; MARK CHAPMAN; UCHENNA OBI; STEFANIE PETRIE;
LINDA KLAIBER; JEANNETTE MCGINNIS; LAURA PROUTY; JILLIAN HUME; ANDREW AMATO;
SHARIA PITTS; PETER LIDDY; JOSHUA GREANEY; HOMER SWAIN; ANDREW PATTTERTSON;
PATRICK SHEEHAN; ANDREW CHAN; DYLAN KEENE; ABRAHAM CARRO; WILLIAM CAMPBELL;
POLO DEJESUS; EMILY SAM; ZACHARY FOSTER; WENDELL ROQUE

Plaintiffs - Appellants



LORETTA ROLLAND; MARGARET PINETTE; 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; 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; ACR MASSACHUSETTS; STAVROS CENTER FOR INDEPENDENT LIVING



Plaintiffs - Appellees



v.







DEVAL PATRICK, Governor of Massachusetts; 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 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 - Appellees





- 08/11/2008  
5 pg, 36.07 KB
- CIVIL CASE docketed. Notice of appeal (doc. #497) filed by Appellants Angel Agosto, Andrew Amato, Sheri Belville, David Braga, Robert Buckman, William Campbell, Abraham Carro, Frederick Carter, Pedro Cavallaro, Andrew Chan, Mark Chapman, Alissa Cormier, Cheryl Courtney, Polo DeJesus, Zachary Foster, Belen Garcia-Simmons, Joshua Greaney, Jillian Hume, Nicole Keating, Dylan Keene, Linda Klaiber, Kimberley Lawrence, Lennie LeBlanc, Peter Liddy, Jeannette McGinnis, Musa Nurislam, Uchenna Obi, Christopher Paleo, Andrew Patterson, Stefanie Petrie, Sharia Pitts, Erin Poulin, Laura Prouty, Laura Putterman, Wendell Roque, Emily Sam, Kelley Schnair, Patrick Sheehan, Jesse Stewart, Homer Swain, Laura Thibault, Eric Voss and Amanda Watts. Opening forms sent. Docketing Statement due 08/27/2008. Transcript Report/Order form due 08/27/2008. Appearance Form due 08/27/2008. [08-1874] (CP)
- 08/11/2008
- RECORD filed. No. of Volumes: 1, Comments: consisting of district court docket entries #469, 470, 471, 479, 484, 496, 497.; SEALED docket entry #477. No transcripts filed. [08-1874] (CP)
- 08/11/2008
- NOTICE of Appearance filed by Attorney Stephen M. Sheehy for Appellant(s) Angel Agosto, Mark Chapman, William Campbell, Eric Voss, Laura Thibault, Frederick Carter, Christopher Paleo, Kimberley Lawrence, Kelley Schnair, Robert Buckman, Nicole Keating, Musa Nurislam, Cheryl Courtney, Lennie LeBlanc, Laura Putterman, Pedro Cavallaro, David Braga, Amanda Watts, Erin Poulin, Sheri Belville, Alissa Cormier, Belen Garcia-Simmons, Jesse Stewart, Uchenna Obi, Stefanie Petrie, Linda Klaiber, Jeannette McGinnis, Laura Prouty, Jillian Hume, Andrew Amato, Sharia Pitts, Peter Liddy, Joshua Greaney, Homer Swain, Andrew Patterson, Patrick Sheehan, Andrew Chan, Dylan Keene, Abraham Carro, Polo DeJesus, Emily Sam, Zachary Foster and Wendell Roque. [08-1874] (CP)
- 08/11/2008
- DOCKETING Statement filed by Appellants Angel Agosto, Andrew Amato, Sheri Belville, David Braga, Robert Buckman, William Campbell, Abraham Carro, Frederick Carter, Pedro Cavallaro, Andrew Chan, Mark Chapman, Alissa Cormier, Cheryl Courtney, Polo DeJesus, Zachary Foster, Belen Garcia-Simmons, Joshua Greaney, Jillian Hume, Nicole Keating, Dylan Keene, Linda Klaiber, Kimberley Lawrence, Lennie LeBlanc, Peter Liddy, Jeannette McGinnis, Musa Nurislam, Uchenna Obi, Christopher Paleo, Andrew Patterson, Stefanie Petrie, Sharia Pitts, Erin Poulin, Laura Prouty, Laura Putterman, Wendell Roque, Emily Sam, Kelley Schnair, Patrick Sheehan, Jesse Stewart, Homer Swain, Laura Thibault, Eric Voss and Amanda Watts. [08-1874] (CP)
















- 08/11/2008 DESIGNATION of agreement as to contents of appendix to brief filed by Appellants Angel Agosto, Andrew Amato, Sheri Belville, David Braga, Robert Buckman, William Campbell, Abraham Carro, Frederick Carter, Pedro Cavallaro, Andrew Chan, Mark Chapman, Alissa Cormier, Cheryl Courtney, Polo DeJesus, Zachary Foster, Belen Garcia-Simmons, Joshua Greaney, Jillian Hume, Nicole Keating, Dylan Keene, Linda Klaiber, Kimberley Lawrence, Lennie LeBlanc, Peter Liddy, Jeannette McGinnis, Musa Nurislam, Uchenna Obi, Christopher Paleo, Andrew Patterson, Stefanie Petrie, Sharia Pitts, Erin Poulin, Laura Prouty, Laura Putterman, Wendell Roque, Emily Sam, Kelley Schnair, Patrick Sheehan, Jesse Stewart, Homer Swain, Laura Thibault, Eric Voss and Amanda Watts. [08-1874] (CP)
- 08/11/2008  2 pg, 194.32 KB TRANSCRIPT Report/Order Form filed by Appellant Eric Voss, et al. Transcript of 5/22/08 Fairness Hearing on proposed settlement already filed in district court. [08-1874] (CP)
- 08/11/2008 NOTICE of Appearance filed by Attorney Kenneth W. Salinger for Appellees William D O'Leary, Elmer C. Bartels, Frederick Laskey, Bruce M. Bullen, Teresa O'Hare, Howard Koh, Gerald Morrissey and Deval Patrick. [08-1874] (CP)
- 08/18/2008 NOTICE of Appearance filed by Attorney Cathy E. Costanzo for Not Parties Frederick Cooper, Timothy Raymond, Leslie Francis, Stavros Center for Independent Living, Bruce Ames, Lorretta Rolland, Margaret Pinette, Terry Newton and ACR Massachusetts. [08-1874] (CP)
- 08/18/2008 NOTICE of Appearance filed by Attorney Frank J. Laski for Not Parties Frederick Cooper, Timothy Raymond, Leslie Francis, Stavros Center for Independent Living, Bruce Ames, Lorretta Rolland, Margaret Pinette, Terry Newton and ACR Massachusetts. [08-1874] (CP)
- 08/18/2008 NOTICE of Appearance filed by Attorney Steven J. Schwartz for Not Parties Frederick Cooper, Timothy Raymond, Leslie Francis, Stavros Center for Independent Living, Bruce Ames, Lorretta Rolland, Margaret Pinette, Terry Newton and ACR Massachusetts. [08-1874] (CP)
- 08/20/2008 NOTICE of Appearance filed by Attorney Matthew Engel for Not Parties Frederick Cooper, Timothy Raymond, Leslie Francis, Stavros Center for Independent Living, Bruce Ames, Lorretta Rolland, Margaret Pinette, Terry Newton and ACR Massachusetts. [08-1874] (CP)
- 09/08/2008  2 pg, 12.81 KB ORDER to Show Cause entered directing appellant(s) to show cause why this appeal should not be dismissed for lack of jurisdiction. Show cause response due 09/22/2008. [08-1874] (CP)
- 09/10/2008 Mail returned as undeliverable to Attorney Jeffrey S. Follett for Not Parties Frederick Cooper, Timothy Raymond, Leslie Francis, Stavros Center for Independent Living, Bruce Ames, Lorretta Rolland, Margaret Pinette, Terry Newton and ACR Massachusetts. Copy of 8/11/08 case opening forms. Forwarded to Foley Hoag, 155 Seaport blvd. Boston, MA 02210-2600. [08-1874] (CP)
- 09/18/2008 RESPONSE filed by Appellants Angel Agosto, Andrew Amato, Sheri Belville, David Braga, Robert Buckman, William Campbell, Abraham Carro, Frederick Carter, Pedro Cavallaro, Andrew Chan, Mark Chapman, Alissa Cormier, Cheryl Courtney, Polo DeJesus, Zachary Foster, Belen Garcia-Simmons, Joshua Greaney, Jillian Hume, Nicole Keating, Dylan Keene,











		Linda Klaiber, Kimberley Lawrence, Lennie LeBlanc, Peter Liddy, Jeannette McGinnis, Musa Nurislam, Uchenna Obi, Christopher Paleo, Andrew Pattterson, Stefanie Petrie, Sharia Pitts, Erin Poulin, Laura Prouty, Laura Putterman, Wendell Roque, Emily Sam, Kelley Schnair, Patrick Sheehan, Jesse Stewart, Homer Swain, Laura Thibault, Eric Voss and Amanda Watts to order to show cause for lack of jurisdiction. Certificate of service dated 09/18/2008. [08-1874] (CP)
09/18/2008	<input type="checkbox"/>	ELECTRONIC Document containing show cause response on CD-ROM filed by Appellant(s). [08-1874] (CP)
09/19/2008	<input type="checkbox"/>	SUPPLEMENTAL Record filed. No. of Volumes: 1, Comments: consisting of district court docket entries #489, 490 and 493. [08-1874] (CP)
09/19/2008	<input type="checkbox"/>	TRANSCRIPT(s) filed. Dt. of Proceeding/Hearing: 03/25/2008, Court Reporter: Quinn, Dianne; Dt. of Proceeding/Hearing: 04/14/2008, Court Reporter: Quinn, Dianne. [08-1874] (CP)
09/19/2008	<input type="checkbox"/>	TRANSCRIPT filed. Dt. of Proceeding/Hearing: 05/22/2008, Court Reporter: Mubarek, Sara. [08-1874] (CP)
11/13/2008	<input type="checkbox"/> 	ORDER entered by Sandra L. Lynch, Chief Appellate Judge notifying the appellees to respond this Court's show cause order issued September 8, 2008. Response due 11/28/2008 from appellees. [08-1874] (CP)
	1 pg, 16.27 KB	
11/19/2008	<input type="checkbox"/>	MOTION filed by Appellees Elmer C. Bartels, Bruce M. Bullen, Howard Koh, Frederick A. Laskey, Gerald Morrissey, Teresa O'Hare, William D O'Leary and Deval Patrick to extend time to file response to show cause order. Certificate of service dated 11/18/2008. [08-1874] (CP)
11/25/2008	<input type="checkbox"/> 	ORDER granting motion to extend time to file show cause response filed by Appellees William D O'Leary, Elmer C. Bartels, Frederick A. Laskey, Bruce M. Bullen, Teresa O'Hare, Howard Koh, Gerald Morrissey and Deval Patrick; Response due 12/12/2008 for Appellee Elmer C. Bartels, Appellee Bruce M. Bullen, Appellee Howard Koh, Appellee Gerald Morrissey, Appellee Teresa O'Hare, Appellee William D O'Leary and Appellee Deval Patrick. [08-1874] (CP)
	2 pg, 17.76 KB	
12/12/2008	<input type="checkbox"/>	RESPONSE filed by Appellees Elmer C. Bartels, Bruce M. Bullen, Howard Koh, Frederick A. Laskey, Gerald Morrissey, Teresa O'Hare, William D O'Leary and Deval Patrick whether this court has jurisdiction to hear this limited appeal. Certificate of service dated 12/12/2008. [08-1874] (CP)
12/12/2008	<input type="checkbox"/>	+++ SEE CORRECTED DOCKET ENTRY +++ RESPONSE filed by Appellees Elmer C. Bartels, Bruce M. Bullen, Howard Koh, Frederick A. Laskey, Gerald Morrissey, Teresa O'Hare, William D O'Leary and Deval Patrick to the September 8, 2008 order to show cause. Certificate of service dated 12/12/2008. [08-1874]--[Edited 12/15/2008 by CP]. This entry was re-docketed to modify the docket text. [08-1874] (CP)
12/12/2008	<input type="checkbox"/>	+++ SEE CORRECTED DOCKET ENTRY +++ ELECTRONIC Document on CD-ROM containing response to the Court's September 9, 2008 order to show cause filed by Appellees Elmer C. Bartels, Bruce M. Bullen, Howard Koh, Frederick A. Laskey, Gerald Morrissey, Teresa O'Hare, William D O'Leary and Deval Patrick. [08-1874]--[Edited 12/15/2008 by CP]. This entry was re-docketed to modify the docket text. Please see the corrected docket entry. [08-1874] (CP)

- 12/12/2008 RESPONSE filed by Plaintiffs ACR Massachusetts, Bruce Ames, Frederick Cooper, Leslie Francis, Terry Newton, Margaret Pinette, Timothy Raymond, Lorretta Rolland and Stavros Center for Independent Living to September 8, 2008 order to show cause. Certificate of service dated 12/12/2008. [08-1874] (CP)
- 12/12/2008 ELECTRONIC Document on CD-ROM containing Response to September 8, 2008 order to show cause filed by Plaintiffs ACR Massachusetts, Bruce Ames, Frederick Cooper, Leslie Francis, Terry Newton, Margaret Pinette, Timothy Raymond, Lorretta Rolland and Stavros Center for Independent Living. [08-1874] (CP)
- 12/18/2008 ASSENTED TO MOTION filed by Not Parties ACR Massachusetts, Bruce Ames, Frederick Cooper, Leslie Francis, Terry Newton, Margaret Pinette, Timothy Raymond, Lorretta Rolland and Stavros Center for Independent Living to amend case caption. Certificate of service dated 12/17/2008. [08-1874] (CP)
- 12/29/2008  
2 pg, 11.95 KB ORDER entered by Sandra L. Lynch, Chief Appellate Judge allowing the appeal to go forward. [08-1874] (CP)
- 12/29/2008  
2 pg, 11.9 KB ORDER granting motion to amend caption filed by Appellees Frederick Cooper, Timothy Raymond, Leslie Francis, Stavros Center for Independent Living, Bruce Ames, Lorretta Rolland, Margaret Pinette, Terry Newton and ACR Massachusetts. [08-1874] (CP)
- 02/02/2009  
4 pg, 22.66 KB BRIEFING schedule set. Brief due 03/16/2009 for Appellant Angel Agosto, Appellant Andrew Amato, Appellant Sheri Belville, Appellant David Braga, Appellant Robert Buckman, Appellant William Campbell, Appellant Abraham Carro, Appellant Frederick Carter, Appellant Pedro Cavallaro, Appellant Andrew Chan, Appellant Mark Chapman, Appellant Alissa Cormier, Appellant Cheryl Courtney, Appellant Polo DeJesus, Appellant Zachary Foster, Appellant Belen Garcia-Simmons, Appellant Joshua Greaney, Appellant Jillian Hume, Appellant Nicole Keating, Appellant Dylan Keene, Appellant Linda Klaiber, Appellant Kimberley Lawrence, Appellant Lennie LeBlanc, Appellant Peter Liddy, Appellant Jeannette McGinnis, Appellant Musa Nurislam, Appellant Uchenna Obi, Appellant Christopher Paleo, Appellant Andrew Pattterson, Appellant Stefanie Petrie, Appellant Sharia Pitts, Appellant Erin Poulin, Appellant Laura Prouty, Appellant Laura Putterman, Appellant Wendell Roque, Appellant Emily Sam, Appellant Kelley Schnair, Appellant Patrick Sheehan, Appellant Jesse Stewart, Appellant Homer Swain, Appellant Laura Thibault, Appellant Eric Voss and Appellant Amanda Watts. Appendix due 03/16/2009 for Appellant Angel Agosto, Appellant Andrew Amato, Appellant Sheri Belville, Appellant David Braga, Appellant Robert Buckman, Appellant William Campbell, Appellant Abraham Carro, Appellant Frederick Carter, Appellant Pedro Cavallaro, Appellant Andrew Chan, Appellant Mark Chapman, Appellant Alissa Cormier, Appellant Cheryl Courtney, Appellant Polo DeJesus, Appellant Zachary Foster, Appellant Belen Garcia-Simmons, Appellant Joshua Greaney, Appellant Jillian Hume, Appellant Nicole Keating, Appellant Dylan Keene, Appellant Linda Klaiber, Appellant Kimberley Lawrence, Appellant Lennie LeBlanc, Appellant Peter Liddy, Appellant Jeannette McGinnis, Appellant Musa Nurislam, Appellant Uchenna Obi, Appellant Christopher Paleo, Appellant Andrew Pattterson, Appellant Stefanie Petrie, Appellant Sharia Pitts, Appellant Erin Poulin, Appellant Laura Prouty, Appellant Laura Putterman,

Appellant Wendell Roque, Appellant Emily Sam, Appellant Kelley Schnair, Appellant Patrick Sheehan, Appellant Jesse Stewart, Appellant Homer Swain, Appellant Laura Thibault, Appellant Eric Voss and Appellant Amanda Watts. Pursuant to F.R.A.P. 31(a), appellee's brief will be due 30 days following service of appellant's brief and appellant's reply brief will be due 14 days following service of appellee's brief. [08-1874] (CP)

- 03/03/2009 MOTION filed by all Appellants to extend time to file brief and appendix. Certificate of service dated 03/03/2009. [08-1874] (CP)
- 03/03/2009  2 pg, 17.54 KB ORDER granting motion to extend time to file brief and appendix filed by all Appellants. Brief and appendix due 05/04/2009 for all Appellants. [08-1874] (CP)
- 04/10/2009 MOTION filed by all appellants' to extend time to file brief and appendix. Certificate of service dated 04/09/2009. [08-1874] (CP)
- 04/13/2009  2 pg, 15.68 KB ORDER granting motion to extend time to file brief and appendix filed all appellants. Brief due 05/18/2009 for Appellants . Appendix due 05/18/2009 for Appellants. [08-1874] (CP)
- 05/15/2009  3 pg, 155.1 KB MOTION filed by Appellants' to file supplemental appendix consisting of *SEALED* documents. Certificate of service dated 05/15/2009. [08-1874] (CP)
- 05/18/2009 NON-CONFORMING BRIEF filed by All Appellants. Certificate of service dated 05/18/2009. [08-1874] (BLC)
- 05/18/2009 NON-CONFORMING ELECTRONIC DOCUMENT containing Brief filed by Appellants Angel Agosto, Andrew Amato, Sheri Belville, David Braga, Robert Buckman, William Campbell, Abraham Carro, Frederick Carter, Pedro Cavallaro, Andrew Chan, Mark Chapman, Alissa Cormier, Cheryl Courtney, Polo DeJesus, Zachary Foster, Belen Garcia-Simmons, Joshua Greaney, Jillian Hume, Nicole Keating, Dylan Keene, Linda Klaiber, Kimberley Lawrence, Lennie LeBlanc, Peter Liddy, Jeannette McGinnis, Musa Nurislam, Uchenna Obi, Christopher Paleo, Andrew Pattterson, Stefanie Petrie, Sharia Pitts, Erin Poulin, Laura Prouty, Laura Putterman, Wendell Roque, Emily Sam, Kelley Schnair, Patrick Sheehan, Jesse Stewart, Homer Swain, Laura Thibault, Eric Voss and Amanda Watts. [08-1874] (BLC)
- 05/18/2009 PLEADING Tendered: Supplemental Appendix provisionally filed under seal filed by Appellants Angel Agosto, Andrew Amato, Sheri Belville, David Braga, Robert Buckman, William Campbell, Abraham Carro, Frederick Carter, Pedro Cavallaro, Andrew Chan, Mark Chapman, Alissa Cormier, Cheryl Courtney, Polo DeJesus, Zachary Foster, Belen Garcia-Simmons, Joshua Greaney, Jillian Hume, Nicole Keating, Dylan Keene, Linda Klaiber, Kimberley Lawrence, Lennie LeBlanc, Peter Liddy, Jeannette McGinnis, Musa Nurislam, Uchenna Obi, Christopher Paleo, Andrew Pattterson, Stefanie Petrie, Sharia Pitts, Erin Poulin, Laura Prouty, Laura Putterman, Wendell Roque, Emily Sam, Kelley Schnair, Patrick Sheehan, Jesse Stewart, Homer Swain, Laura Thibault, Eric Voss and Amanda Watts. Certificate of service dated 05/18/2009. [08-1874] (BLC)
- 05/18/2009 PLEADING Tendered: Appendix (1 volume, 5 copies) filed by all Appellants. Certificate of service dated 05/18/2009. [08-1874] (BLC)
- 05/19/2009  ORDER granting motion to file a supplemental appendix consisting of

	2 pg, 11.94 KB	sealed documents filed by Appellants'. [08-1874] (CP)
05/19/2009	 3 pg, 14.3 KB	ORDER directing Appellants to file a conforming brief, disk and appendix. Brief due 05/29/2009. Appendix due 05/29/2009; Supplemental *sealed* appendix due 05/29/2009. [08-1874] (CP)
05/21/2009		Public docket note: Appellants counsel picked-up the pleadings tendered on 5/18/09 (brief, appendix, sealed appendix). [08-1874] (CP)
05/22/2009	 2 pg, 17.1 KB	BRIEF filed by All Appellants Length: 59 pages, 12,862 words. Copies: 11. Certificate of service (mailed) dated 05/22/2009. Brief due 06/25/2009 for All Appellees . [08-1874] (BLC)
05/22/2009		NON-CONFORMING ELECTRONIC DOCUMENT containing All Appellants' Brief . [08-1874] (BLC)
05/22/2009		APPENDIX filed by All Appellants. Volumes: 1. Copies: 5. Certificate of service (mailed) dated 05/22/2009. [08-1874] (BLC)
05/22/2009		SUPPLEMENTAL APPENDIX filed by All Appellants. Volumes: 1. Copies: 5. Certificate of service (mailed) dated 05/22/2009. [08-1874] (BLC)
05/27/2009	 251 pg, 23.65 MB	ELECTRONIC Document containing brief of appellants' on CD-ROM filed by Appellant Eric Voss. [08-1874] (CP)
05/27/2009	 4 pg, 186.17 KB	MOTION filed by Appellees' to extend time to file appellees brief. Certificate of service dated 05/26/2009. [08-1874] (CP)
05/28/2009	 2 pg, 15.69 KB	ORDER granting motion to extend time to file brief filed by Appellees'. Brief due 07/27/2009 for all Appellees. We are disinclined to grant a request for further enlargement of this deadline. [08-1874] (CP)
07/20/2009		BRIEF filed by Appellees. Length: 47 pages, 11,952 words. Copies: 10. Certificate of service (mailed) dated 07/17/2009. Reply brief due 08/03/2009 for Appellants. [08-1874] (RL)
07/20/2009	 56 pg, 222 KB	ELECTRONIC Document containing brief filed by Appellees. [08-1874] (RL)
07/21/2009		BRIEF filed by Appellees ACR Massachusetts, Frederick Cooper, Leslie Francis, Terry Newton, Margaret Pinette, Timothy Raymond, Lorretta Rolland and Stavros Center for Independent Living. Length: 58 pages, 13,987 words. Copies: 10. Certificate of service (mailed) dated 07/20/2009.. [08-1874] (RL)
07/21/2009	 118 pg, 421.18 KB	ELECTRONIC Document containing brief filed by Appellees ACR Massachusetts, Frederick Cooper, Leslie Francis, Terry Newton, Margaret Pinette, Timothy Raymond, Lorretta Rolland and Stavros Center for Independent Living. [08-1874] (RL)
07/22/2009	 1 pg, 19.81 KB	DISCLOSURE Statement on behalf of Appellees ACR Massachusetts and Stavros Center for Independent Living filed. [08-1874] (CP)
07/22/2009		Public docket note: Notice of correction (entered 7/21/09) to docket made by District Court. Plaintiff ACR Massachusetts edited to correct party name to ARC Massachusetts. Party name incorrectly spelled when case was originally opened. [08-1874] (CP)

08/04/2009		REPLY BRIEF filed by All Appellants. Length: 34 pages, 6,970 words. Copies: 10. Certificate of service (mailed) dated 08/03/2009. [08-1874] (BLC)
08/04/2009	 39 pg, 90.75 KB	ELECTRONIC Document containing Reply Brief filed by All Appellants. [08-1874] (BLC)
09/28/2009	 4 pg, 31.08 KB	Case calendared: 11/04/2009 Boston, MA Panel Courtroom. Designation form due 10/13/2009. [08-1874] (LM)
10/02/2009		DESIGNATION form filed. Arguing Person Information Updated for: Stephen M. Sheehy arguing for Appellants Eric Voss, Laura Thibault, Frederick Carter, Christopher Paleo, Angel Agosto, Kimberley Lawrence, Kelley Schnair, Robert Buckman, Nicole Keating, Musa Nurislam, Cheryl Courtney, Lennie LeBlanc, Laura Putterman, Pedro Cavallaro, David Braga, Amanda Watts, Erin Poulin, Sheri Belville, Alissa Cormier, Belen Garcia-Simmons, Jesse Stewart, Mark Chapman, Uchenna Obi, Stefanie Petrie, Linda Klaiber, Jeannette McGinnis, Laura Prouty, Jillian Hume, Andrew Amato, Sharia Pitts, Peter Liddy, Joshua Greaney, Homer Swain, Andrew Pattterson, Patrick Sheehan, Andrew Chan, Dylan Keene, Abraham Carro, William Campbell, Polo DeJesus, Emily Sam, Zachary Foster, and Wendell Roque. [08-1874] (LM)
10/02/2009		DESIGNATION form filed. Arguing Person Information Updated for: Kenneth W. Salinger arguing for Appellees Frederick A. Laskey, William D O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare, and Deval Patrick. [08-1874] (LM)
10/05/2009		DESIGNATION form filed. Arguing Person Information Updated for: Steven J. Schwartz arguing for Appellees Lorretta Rolland, Margaret Pinette, Terry Newton, Bruce Ames, Frederick Cooper, Leslie Francis, Timothy Raymond, ARC Massachusetts, and Stavros Center for Independent Living. [08-1874] (LM)
10/09/2009	 4 pg, 276.49 KB	ASSENTED TO MOTION filed by Appellees' to enlarge the time for argument. Certificate of service dated 10/08/2009. [08-1874] (CP)
10/13/2009	 2 pg, 10.67 KB	ORDER entered by Sandra L. Lynch, Chief Appellate Judge granting motion to enlarge time for oral argument filed by Appellee Lorretta Rolland. [08-1874] (LM)
11/04/2009	 2 pg, 12.34 KB	ORDER entered by Sandra L. Lynch, Chief Appellate Judge notifying parties' to file a response. Response due 11/09/2009. [08-1874] (CP)
11/04/2009		Case argued. Panel: Lynch Chief Appellate Judge, Selya Appellate Judge, Stahl Appellate Judge Arguing Person Information Updated for: Kenneth Warren Salinger arguing for Appellees Frederick A. Laskey, William D O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare, and Deval Patrick; Arguing Person Information Updated for: Steven J. Schwartz arguing for Appellees Lorretta Rolland, Margaret Pinette, Terry Newton, Bruce Ames, Frederick Cooper, Leslie Francis, Timothy Raymond, ARC Massachusetts, and Stavros Center for Independent Living; Arguing Person Information Updated for: Stephen M. Sheehy arguing for Appellants Eric Voss, Laura Thibault, Frederick Carter, Christopher Paleo, Angel Agosto, Kimberley Lawrence, Kelley Schnair, Robert Buckman, Nicole Keating, Musa Nurislam, Cheryl Courtney, Lennie LeBlanc, Laura Putterman, Pedro Cavallaro, David Braga, Amanda Watts,


Erin Poulin, Sheri Belville, Alissa Cormier, Belen Garcia-Simmons, Jesse Stewart, Mark Chapman, Uchenna Obi, Stefanie Petrie, Linda Klaiber, Jeannette McGinnis, Laura Prouty, Jillian Hume, Andrew Amato, Sharia Pitts, Peter Liddy, Joshua Greaney, Homer Swain, Andrew Patterson, Patrick Sheehan, Andrew Chan, Dylan Keene, Abraham Carro, William Campbell, Polo DeJesus, Emily Sam, Zachary Foster, and Wendell Roque. [08-1874] (LM)

11/05/2009

 
3 pg, 79.53 KB

RESPONSE filed by Appellees Elmer C. Bartels, Bruce M. Bullen, Howard Koh, Frederick A. Laskey, Gerald Morrissey, Teresa O'Hare, William D O'Leary and Deval Patrick to *Proposed Order Concerning a Possible Rule 54(b) Judgment* [[5390456-3](#)],[[5390456-2](#)]. Certificate of service dated 11/05/2009. [08-1874] (KWS)

11/09/2009

 
3 pg, 19.35 KB

NOTICE of Response to Proposed Rule 54(b) Remand Order filed by Appellees Frederick Cooper, Leslie Francis, Terry Newton, Margaret Pinette, Timothy Raymond, Lorretta Rolland and Stavros Center for Independent Living. Certificate of service dated 11/06/2009. [08-1874] (SJS)

11/09/2009

 
4 pg, 16.47 KB

RESPONSE filed by Appellants Angel Agosto, Andrew Amato, Sheri Belville, David Braga, Robert Buckman, William Campbell, Abraham Carro, Frederick Carter, Pedro Cavallaro, Andrew Chan, Mark Chapman, Alissa Cormier, Cheryl Courtney, Polo DeJesus, Zachary Foster, Belen Garcia-Simmons, Joshua Greaney, Jillian Hume, Nicole Keating, Dylan Keene, Linda Klaiber, Kimberley Lawrence, Lennie LeBlanc, Peter Liddy, Jeannette McGinnis, Musa Nurislam, Uchenna Obi, Christopher Paleo, Andrew Patterson, Stefanie Petrie, Sharia Pitts, Erin Poulin, Laura Prouty, Laura Putterman, Wendell Roque, Emily Sam, Kelley Schnair, Patrick Sheehan, Jesse Stewart, Homer Swain, Laura Thibault, Eric Voss and Amanda Watts to the *Proposed Order Concerning a Remand to the District Court for the Purpose of Considering Whether to Enter a Rule 54(b) Judgment*. [[5390456-3](#)],[[5390456-2](#)]. Certificate of service dated 11/09/2009. [08-1874] (SMS)

11/09/2009

 
12 pg, 1.08 MB

LETTER filed by Attorney Steven J. Schwartz for Appellees Frederick Cooper, Timothy Raymond, Leslie Francis, Stavros Center for Independent Living, Bruce Ames, Lorretta Rolland, Margaret Pinette, Terry Newton and ARC Massachusetts. Certificate of service was not included. [08-1874] (CP)

11/12/2009

 
2 pg, 12.73 KB

ORDER entered by Sandra L. Lynch, Chief Appellate Judge staying appellate proceedings and remanding to the district court to address and decide whether to issue a Rule 54(b) judgment. [08-1874] (CP)

11/22/2009

 
5 pg, 85.41 KB

NOTICE of Entry of Rule 54(b) Judgment by the District Court, filed by Appellees Elmer C. Bartels, Bruce M. Bullen, Howard Koh, Frederick A. Laskey, Gerald Morrissey, Teresa O'Hare, William D O'Leary and Deval Patrick. Certificate of service dated 11/22/2009. [08-1874] (KWS)

11/24/2009

 
2 pg, 11.03 KB

ORDER entered by Sandra L. Lynch, Chief Appellate Judge; Bruce M. Selya, Appellate Judge and Norman H. Stahl, Appellate Judge lifting the stay of appellate proceedings. Parties shall file a response by December 4, 2009. [08-1874] (CP)

11/24/2009

 
2 pg, 73.1 KB

RESPONSE filed by Appellees Elmer C. Bartels, Bruce M. Bullen, Howard Koh, Frederick A. Laskey, Gerald Morrissey, Teresa O'Hare, William D

O'Leary and Deval Patrick to , *Regarding the Court's Jurisdiction After the Rule 54(b) Judgment*, [[5395794-3](#)],[[5395794-2](#)]. Certificate of service dated 11/24/2009. [08-1874] (KWS)

12/03/2009



4 pg, 19.93 KB

NOTICE OF ASSENT filed by Appellees ARC Massachusetts, Bruce Ames, Frederick Cooper, Leslie Francis, Terry Newton, Margaret Pinette, Timothy Raymond, Lorretta Rolland and Stavros Center for Independent Living. Certificate of service dated 12/03/2009. [08-1874] (SJS)

12/04/2009



6 pg, 275.96 KB

NOTICE filed by Appellants Angel Agosto, Andrew Amato, Sheri Belville, David Braga, Robert Buckman, William Campbell, Abraham Carro, Frederick Carter, Pedro Cavallaro, Andrew Chan, Mark Chapman, Alissa Cormier, Cheryl Courtney, Polo DeJesus, Zachary Foster, Belen Garcia-Simmons, Joshua Greaney, Jillian Hume, Nicole Keating, Dylan Keene, Linda Klaiber, Kimberley Lawrence, Lennie LeBlanc, Peter Liddy, Jeannette McGinnis, Musa Nurislam, Uchenna Obi, Christopher Paleo, Andrew Patterson, Stefanie Petrie, Sharia Pitts, Erin Poulin, Laura Prouty, Laura Putterman, Wendell Roque, Emily Sam, Kelley Schnair, Patrick Sheehan, Jesse Stewart, Homer Swain, Laura Thibault, Eric Voss and Amanda Watts. Certificate of service dated 12/03/2009. [08-1874] (SMS)

12/04/2009



4 pg, 274.87 KB

MOTION filed by Appellees ARC Massachusetts, Bruce Ames, Frederick Cooper, Leslie Francis, Terry Newton, Margaret Pinette, Timothy Raymond, Lorretta Rolland and Stavros Center for Independent Living to file supplemental appendix. Certificate of service dated 12/03/2009. [08-1874] (CP)

12/07/2009



2 pg, 10.63 KB

ORDER entered by Sandra L. Lynch, Chief Appellate Judge granting motion to file supplemental appendix filed by Appellees Frederick Cooper, Timothy Raymond, Leslie Francis, Stavros Center for Independent Living, Bruce Ames, Lorretta Rolland, Margaret Pinette, Terry Newton and ARC Massachusetts. [08-1874] (CP)

12/07/2009



SUPPLEMENTAL APPENDIX filed by Plaintiffs-Appellees ARC Massachusetts, Bruce Ames, Frederick Cooper, Leslie Francis, Terry Newton, Margaret Pinette, Timothy Raymond, Lorretta Rolland and Stavros Center for Independent Living. Volumes: 1. Copies: 5. Certificate of service dated 12/03/2009. [08-1874] (CP)

12/14/2009



3 pg, 12.55 KB
























RESPONSE filed by Appellants Angel Agosto, Andrew Amato, Sheri Belville, David Braga, Robert Buckman, William Campbell, Abraham Carro, Frederick Carter, Pedro Cavallaro, Andrew Chan, Mark Chapman, Alissa Cormier, Cheryl Courtney, Polo DeJesus, Zachary Foster, Belen Garcia-Simmons, Joshua Greaney, Jillian Hume, Nicole Keating, Dylan Keene, Linda Klaiber, Kimberley Lawrence, Lennie LeBlanc, Peter Liddy, Jeannette McGinnis, Musa Nurislam, Uchenna Obi, Christopher Paleo, Andrew Patterson, Stefanie Petrie, Sharia Pitts, Erin Poulin, Laura Prouty, Laura Putterman, Wendell Roque, Emily Sam, Kelley Schnair, Patrick Sheehan, Jesse Stewart, Homer Swain, Laura Thibault, Eric Voss and Amanda Watts to *plaintiff-appellees' motion for leave to file supplemental appendix* [[5398681-2](#)]. Certificate of service dated 12/14/2009. [08-1874] (SMS)











01/19/2010



27 pg, 96.29 KB

OPINION issued by Sandra L. Lynch, Chief Appellate Judge; Bruce M. Selya, Appellate Judge and Norman H. Stahl, Appellate Judge. Published. [08-1874] (CP)

01/19/2010	  2 pg, 32.04 KB	JUDGMENT entered by Sandra L. Lynch, Chief Appellate Judge; Bruce M. Selya, Appellate Judge and Norman H. Stahl, Appellate Judge. Affirmed [08-1874] (CP)
01/20/2010	  1 pg, 26 KB	ERRATA to opinion (published) [5409545-2] [08-1874] (SBT)
02/10/2010	  2 pg, 400.43 KB	MANDATE Issued. [08-1874] (CP)
02/11/2010		Record returned to originating court.. Docs. 469, 471, 478, 479, 484, 489, 490, 493, 496, 497, 503, sealed doc. 477, [08-1874] (CC)
02/11/2010	  3 pg, 364.27 KB	MOTION filed by Attorney Catherine H. Wicker for Appellees Frederick Cooper, Leslie Francis, Terry Newton, Teresa O'Hare, William D O'Leary, Deval Patrick, Margaret Pinette, Timothy Raymond and Lorretta Rolland to withdraw as counsel. Certificate of service dated 02/11/2010. [08-1874] (CP)
02/12/2010	  2 pg, 10.61 KB	ORDER granting motion to withdraw filed by Catherine H. Wicker on behalf of Appellees William D O'Leary, Frederick Cooper, Teresa O'Hare, Timothy Raymond, Leslie Francis, Lorretta Rolland, Margaret Pinette, Terry Newton and Deval Patrick. [08-1874] (CP)
02/25/2010	  1 pg, 30.03 KB	ERRATA to opinion (published) [5409545-2] filed. [08-1874] (SBT)
10/05/2010	  10 pg, 110.2 KB	MOTION <i>to Remit Fee Request to District Court or for Enlargement of Time to File</i> filed by Appellees ARC Massachusetts, Bruce Ames, Frederick Cooper, Leslie Francis, Terry Newton, Margaret Pinette, Timothy Raymond, Lorretta Rolland and Stavros Center for Independent Living. Certificate of service dated 10/05/2010. [08-1874] (SJS)
10/05/2010	  3 pg, 14.08 KB	MOTION to extend time to file a response filed by Appellees Elmer C. Bartels, Bruce M. Bullen, Howard Koh, Frederick A. Laskey, Gerald Morrissey, Teresa O'Hare, William D O'Leary and Deval Patrick. Certificate of service dated 10/05/2010. [08-1874] (KWS)
10/06/2010	  2 pg, 28.34 KB	ORDER entered by Sandra L. Lynch, Chief Appellate Judge granting motion to extend time to file response filed by Defendants-Appellees William D O'Leary, Elmer C. Bartels, Frederick A. Laskey, Bruce M. Bullen, Teresa O'Hare, Howard Koh, Gerald Morrissey and Deval Patrick. Response to Planitiffs-Appellees' Motion for Remand of Determination of Attorneys' Fee Application due 11/08/2010 for Defendants-Appellees. [08-1874] (CP)
10/25/2010	  125 pg, 1.43 MB	MOTION to award fees and costs filed by Appellees ARC Massachusetts, Bruce Ames, Frederick Cooper, Leslie Francis, Terry Newton, Margaret Pinette, Timothy Raymond, Lorretta Rolland and Stavros Center for Independent Living. Certificate of service dated 10/25/2010. [08-1874] (SJS)
10/25/2010	  2 pg, 11.41 KB	RESPONSE filed by Appellees Elmer C. Bartels, Bruce M. Bullen, Howard Koh, Frederick A. Laskey, Gerald Morrissey, Teresa O'Hare, William D O'Leary and Deval Patrick to motion to award fees and costs [5497649-2]. Certificate of service dated 10/25/2010. [08-1874] (KWS)

10/29/2010	  3 pg, 65.92 KB	LETTER regarding <i>defendants' request that fee application be denied</i> filed by Attorney Steven J. Schwartz for Appellees Frederick Cooper, Timothy Raymond, Leslie Francis, Stavros Center for Independent Living, Bruce Ames, Lorretta Rolland, Margaret Pinette, Terry Newton and ARC Massachusetts. Certificate of service dated 10/29/2010. [08-1874] (SJS)
11/08/2010	  16 pg, 162.27 KB	RESPONSE filed by Appellees Elmer C. Bartels, Bruce M. Bullen, Howard Koh, Frederick A. Laskey, Gerald Morrissey, Teresa O'Hare, William D O'Leary and Deval Patrick to motion for miscellaneous relief [5490762-2] . Certificate of service dated 11/08/2010. [08-1874] (KWS)
11/10/2010	  10 pg, 53.57 KB	REPLY filed by Appellees ARC Massachusetts, Bruce Ames, Frederick Cooper, Leslie Francis, Terry Newton, Margaret Pinette, Timothy Raymond, Lorretta Rolland and Stavros Center for Independent Living to response [5501735-2] . Certificate of service dated 11/10/2010. [08-1874]--[Edited 11/10/2010 by CP] CLERK'S NOTE: The document is incomplete: missing the first two (2) pages. THE FILER IS DIRECTED TO RE-FILE THE DOCUMENT WITHIN TWO DAYS. [08-1874] (SJS)
11/10/2010	  10 pg, 53.57 KB	REPLY filed by Appellees ARC Massachusetts, Bruce Ames, Frederick Cooper, Leslie Francis, Terry Newton, Margaret Pinette, Timothy Raymond, Lorretta Rolland and Stavros Center for Independent Living to response [5501735-2] . Certificate of service dated 11/10/2010. [08-1874] (SJS)
11/18/2010	  4 pg, 39.78 KB	ORDER entered by Sandra L. Lynch, Chief Appellate Judge; Bruce M. Selya, Appellate Judge and Norman H. Stahl, Appellate Judge denying motion to award fees and costs filed by Appellees Frederick Cooper, Timothy Raymond, Leslie Francis, Stavros Center for Independent Living, Bruce Ames, Lorretta Rolland, Margaret Pinette, Terry Newton and ARC Massachusetts. [08-1874] (CP)