

**U.S. District Court
District of New Hampshire (Concord)
CIVIL DOCKET FOR CASE #: 1:99-cv-00558-SM**

Bryson, et al v. HHS NH, et al
Assigned to: Chief Judge Steven J. McAuliffe
Demand: \$0
Case in other court: 02-01059
02-01097

Date Filed: 12/01/1999
Date Terminated: 09/29/2006
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Cause: 28:1331 Federal Question: Other Civil Rights

Plaintiff

Bonnie Bryson

represented by **Amy Beth Messer**
Disabilities Rights Center Inc.
18 Low Ave
Concord, NH 03301-4971
603 228-0432
Email: amym@drcnh.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ronald K. Lospennato
Disabilities Rights Center Inc.
18 Low Ave
Concord, NH 03301-4971
603 228-0432
Email: ronaldl@drcnh.org
TERMINATED: 12/04/2000
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sheila O'Leary Zakre
Disabilities Rights Center Inc.
18 Low Ave
Concord, NH 03301-4971
603 228-0432
Email: sheila@zlawnh.com
TERMINATED: 04/01/2004
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Claire Shepardson

represented by **Amy Beth Messer**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ronald K. Lospennato
(See above for address)
TERMINATED: 12/04/2000
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sheila O'Leary Zakre
(See above for address)
TERMINATED: 04/01/2004
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

NH Department of Health and Human Services
other
 Donald Shumway

represented by **Suzanne M. Gorman**
 NH Attorney General's Office (Civil)
 Civil Bureau
 Civil Bureau
 33 Capitol St
 Concord, NH 03301-6397
 603 271-3658
 Email: suzanne.gorman@doj.nh.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

NH Division of Developmental Services
other
 Susan Fox

represented by **Suzanne M. Gorman**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/01/1999	1	COMPLAINT filed with Motions for In Forma Pauperis (bc) (Entered: 12/01/1999)
12/01/1999	2	MOTION by Bonnie Bryson to Proceed in Forma Pauperis with financial affidavit. (bc) (Entered: 12/01/1999)
12/01/1999	3	MOTION by Claire Shepardson to Proceed in Forma Pauperis with financial affidavit. (bc) (Entered: 12/01/1999)
12/01/1999		SUMMONS issued for HHS NH, Developmental Svs (bc) (Entered: 12/01/1999)
12/02/1999		ENDORSED ORDER granting [2-1] motion to Proceed in Forma Pauperis (signed by Magistrate Judge James R. Muirhead) (bc) (Entered: 12/02/1999)
12/02/1999		ENDORSED ORDER granting [3-1] motion to Proceed in Forma Pauperis (signed by Magistrate Judge James R. Muirhead) (bc) (Entered: 12/02/1999)
12/02/1999	4	AMENDED COMPLAINT by Bonnie Bryson, Claire Shepardson amending [1-1] complaint (jab) (Entered: 12/02/1999)
01/04/2000	5	WAIVER OF SERVICE Executed as to HHS NH, Developmental Svcs ; waiver mailed 12/2/99 ; Answer due on 2/3/00 for Developmental Svcs, for HHS NH (jab) (Entered: 01/04/2000)
01/31/2000	6	ANSWER to Complaint [4-1] by HHS NH, Developmental Svcs (Attorney Suzanne M. Gorman) (jab) (Entered: 02/01/2000)
02/02/2000		PRETRIAL CONFERENCE set at 4:00 3/6/00 ; Discovery Plan Deadline set to 3/2/00 before: Judge McAuliffe (jab) (Entered: 02/02/2000)
03/01/2000	7	Proposed Discovery Plan (amm) (Entered: 03/01/2000)
03/02/2000		ENDORSED ORDER DISCOVERY PLAN ***Case track set--STNDRD granting [7-1] discovery plan . Ready for Bench trial deadline set for 6/1/01 ; SJ Motion Deadline set to 2/15/01 Discovery deadline set to 2/1/01 Length of Trial: 3/4 days (signed by Judge Steven J. McAuliffe). (amm) (Entered: 03/03/2000)
05/22/2000	8	Stipulation by all parties re: Class Certification (jab) (Entered: 05/22/2000)
05/22/2000	9	ASSENTED-TO MOTION by the parties for Protective Order no memo; with Protective Order attached (jab) (Entered: 05/22/2000)
06/26/2000		ENDORSED ORDER granting/approving [8-1] stipulation re: Class Certification (signed by Judge Steven J. McAuliffe) (jab) (Entered: 06/28/2000)
06/26/2000	10	ORDER granting [9-1] motion for Protective Order, good cause having been shown (signed by Judge Steven J. McAuliffe) (jab) (Entered: 06/28/2000)

08/09/2000		TRIAL NOTICE. Joint mediation statement due 3/8/01 ; Final Pretrial Statements Due 5/14/01 ; Final Pretrial Conference set for 2:00 5/23/01 ; Bench Trial set for 2-week period beginning 9:00 6/5/01 LR 16.2(e) Objections Due: 5/21/00. (before Judge Steven J. McAuliffe) (jab) (Entered: 08/09/2000)
09/19/2000	11	ASSENTED-TO MOTION by Bonnie Bryson, Claire Shepardson to Amend Pretrial [0-0] order as to disclosure of pltf's experts; to 1/1/01; disclosure of defts' experts to 2/15/01; discovery deadline to 5/1/01; motions for summary judgment deadline to 3/1/01 no memorandum. (jab) (Entered: 09/19/2000)
09/19/2000		ENDORSED ORDER granting [11-1] motion to Amend Pretrial [0-0] order as to disclosure of pltf's experts to 1/1/01; disclosure of defts' experts to 2/15/01; discovery deadline to 5/1/01; motions for summary judgment deadline to 3/1/01, reset Discovery deadline to 5/1/01 , reset Summary Judgment Motion deadline to 3/1/01 (signed by Judge Steven J. McAuliffe) (jab) (Entered: 09/19/2000)
12/04/2000	12	NOTICE of substitute attorney for Bonnie Bryson, Claire Shepardson . Terminated attorney Ronald K. Lospennato for Claire Shepardson, attorney Ronald K. Lospennato for Bonnie Bryson **Substituted attorney Sheila O'Leary Zakre as lead counsel; Amy B. Messer is also substituted as co-counsel. All notices shall go to Atty Zakre. (jab) Modified on 12/04/2000 (Entered: 12/04/2000)
12/04/2000	13	MOTION by Bonnie Bryson, Claire Shepardson to Amend [0-0] pretrial order order with assented (jab) (Entered: 12/04/2000)
12/05/2000		ENDORSED ORDER granting [13-1] motion to Amend [0-0] pretrial order order: pltf to disclose experts/reports by 3/15/01; defts to disclose experts/reports by 5/1/01; motion for summary judgment to be filed 7/15/01; discovery to closed 6/15/01. reset Discovery deadline to 6/15/01 , reset Motion Filing deadline to 7/15/01 for Developmental Svcs, for HHS NH, for Claire Shepardson, for Bonnie Bryson (signed by Judge Steven J. McAuliffe) (jab) (Entered: 12/05/2000)
12/06/2000		AMENDED TRIAL NOTICE. Joint mediation statement due 8/1/01 ; Final Pretrial Statements Due 10/12/01 ; Final Pretrial set for 9:00 10/22/01 ; Bench Trial set for 2-week period beginning 9:00 10/30/01 LR 16.2(e) Objections Due: 10/19/01. (before Judge Steven J. McAuliffe) (jab) (Entered: 12/06/2000)
05/01/2001	14	ASSENTED TO MOTION by HHS NH, Developmental Svcs to Extend Time to disclose experts to 5/31/01 (amm) (Entered: 05/02/2001)
05/03/2001	15	Addendum by defendant HHS NH, defendant Developmental Svcs to [14-1] motion to Extend Time to disclose experts to 5/31/01 - pltf only assents to an extention to 5/21 not to 5/31 (dae) (Entered: 05/04/2001)
05/04/2001	16	OBJECTION by HHS NH, Developmental Svcs to [14-1] motion to Extend Time to disclose experts to 5/31/01 (dae) (Entered: 05/04/2001)
05/14/2001		ENDORSED ORDER granting [14-1] motion to Extend Time to disclose experts to 5/31/01 (signed by Judge Steven J. McAuliffe) (amm) (Entered: 05/15/2001)
06/12/2001	17	ASSENTED TO MOTION by Bonnie Bryson, Claire Shepardson to Extend Discovery deadline to 6/29/01 and filing of summary judgment motions to 7/29/01 (amm) (Entered: 06/12/2001)
06/13/2001		ENDORSED ORDER granting [17-1] motion to Extend Discovery deadline to 6/29/01 and filing of summary judgment motions to 7/29/01, reset Discovery deadline to 6/29/01 , reset Summary Judgment Motion deadline to 7/29/01 (signed by Judge Steven J. McAuliffe) (amm) (Entered: 06/13/2001)
07/30/2001	18	MOTION by HHS NH, Developmental Svcs to Exceed Page Limit in Memorandum of Law in Support of Motion for Summary Judgment no memorandum. (jab) (Entered: 07/30/2001)
07/30/2001	19	MOTION by HHS NH, Developmental Svcs for Summary Judgment On All Counts with memorandum submitted with motion to exceed page limit. Objection to summary judgment deadline 9/4/01 (jab) (Entered: 07/31/2001)
07/30/2001	20	MOTION by Bonnie Bryson, Claire Shepardson for Partial Summary Judgment Pursuant to Fed.R.Civ.P. 56 on Counts II, VI and VII of the Complaint with

		memorandum and bound indices (2 Volumes). Objection to summary judgment deadline 9/4/01 (jab) (Entered: 07/31/2001)
08/01/2001		ENDORSED ORDER granting [18-1] motion to Exceed Page Limit in Memorandum of Law in Support of Motion for Summary Judgment (signed by Judge Steven J. McAuliffe) (jab) (Entered: 08/01/2001)
08/01/2001	21	MEMORANDUM by HHS NH, Developmental Svcs in support of/to [19-1] motion for Summary Judgment On All Counts with bound exhibits (jab) (Entered: 08/01/2001)
08/01/2001	22	JOINT Mediation Statement: Pltf is willing to submit the case to mediation provided there is no cost to the Pltfs; Defts feel that this case is not the type of case that would be amenable to mediation through the Court's ADR. (jab) (Entered: 08/01/2001)
08/29/2001	23	OBJECTION with memorandum by HHS NH, Developmental Svcs to [20-1] motion for Partial Summary Judgment Pursuant to Fed.R.Civ.P. 56 on Counts II, VI and VII of the Complaint (amm) (Entered: 08/29/2001)
09/04/2001	24	ASSENTED-TO MOTION by Bonnie Bryson, Claire Shepardson to Exceed page limit of memo/objection to motion for summary judgment no memorandum. (jab) (Entered: 09/05/2001)
09/05/2001		ENDORSED ORDER granting [24-1] motion to Exceed page limit of memo/objection to motion for summary judgment (signed by Judge Steven J. McAuliffe) (jab) (Entered: 09/05/2001)
09/05/2001	25	OBJECTION with memorandum incorporated therein and Exhibits 1-31 (bound, 2 vols) by Bonnie Bryson, Claire Shepardson to [19-1] motion for Summary Judgment On All Counts (jab) (Entered: 09/05/2001)
09/11/2001	26	Addendum/add'l documents to be appended to Exhibit 3, Chmura Affidavit, submitted in support of pltfs' objection to Defts' motion for summary judgment by plaintiff Bonnie Bryson, plaintiff Claire Shepardson to [25-1] motion objection (jab) (Entered: 09/12/2001)
09/18/2001	27	REPLY by HHS NH, Developmental Svcs to objection to [19-1] motion for Summary Judgment On All Counts (jab) (Entered: 09/19/2001)
10/01/2001	28	MOTION by Bonnie Bryson, Claire Shepardson for Leave to File Supplementary Objection to Defts' Motion for SUMmary Judgment no memorandum; with Supplementary Objection attached. Objection to Motion Deadline 10/22/01 (jab) (Entered: 10/01/2001)
10/12/2001	29	PRETRIAL MATERIAL filed by HHS NH, Developmental Svcs . (amm) (Entered: 10/15/2001)
10/12/2001	30	Request for Findings of Fact and Rulings of Law by defendant HHS NH, defendant Developmental Svcs (amm) (Entered: 10/15/2001)
10/12/2001	31	MOTION by HHS NH, Developmental Svcs to Extend Time to file trial memorandum until after ruling on motion for summary judgment Objection to Motion Deadline 11/1/01 (amm) (Entered: 10/15/2001)
10/12/2001	32	PRETRIAL MATERIAL filed by Bonnie Bryson, Claire Shepardson . (amm) (Entered: 10/15/2001)
10/12/2001	33	Request for Findings of Fact and Rulings of Law by plaintiff Bonnie Bryson, plaintiff Claire Shepardson (amm) (Entered: 10/15/2001)
10/12/2001	34	TRIAL MEMORANDUM by Bonnie Bryson, Claire Shepardson (amm) (Entered: 10/15/2001)
10/16/2001	35	OBJECTION with memorandum by Bonnie Bryson, Claire Shepardson to [31-1] motion to Extend Time to file trial memorandum until after ruling on motion for summary judgment (jab) (Entered: 10/16/2001)

10/19/2001	36	OBJECTION by Bonnie Bryson, Claire Shepardson to [30-1] findings of fact request, [29-1] pre-trial material (witness list; exhibit list . (jab) (Entered: 10/22/2001)
10/19/2001	37	OBJECTION by HHS NH, Developmental Svcs to [34-1] response, [33-1] findings of fact request, [32-1] pre-trial material . (jab) (Entered: 10/22/2001)
10/22/2001		FINAL PRETRIAL CONFERENCE held on 2:00 10/22/01 before Judge Steven J. McAuliffe (jab) (Entered: 10/22/2001)
10/23/2001	38	/// ORDER granting in part, denying in part [20-1] motion for Partial Summary Judgment on Counts II, VI and VII of the Complaint – Granted as to Count VII, denied as to Count II, and moot as to Count VI; // granting in part, denying in part [19-1] motion for Summary Judgment On All Counts – granted as to Counts I and V, denied as to Counts II, III, IV, and VII, and moot as to Count VI. Accordingly, this case shall proceed to trial on Counts II, III and IV. Trial is now set to begin at 9:00 a.m. on 12/3/01. (signed by Judge Steven J. McAuliffe) (jab) (Entered: 10/23/2001)
10/23/2001		ENDORSED ORDER granting [28-1] motion for Leave to File Supplementary Objection to Defts' Motion for SUMmary Judgment – no objection (signed by Judge Steven J. McAuliffe) (jab) (Entered: 10/23/2001)
10/23/2001	39	SUPPLEMENTAL OBJECTION/BASED ON MATERIAL DOCUMENTS DEFENDANTS RECENTLY PROVIDED PLAINTIFFS P by Bonnie Bryson, Claire Shepardson to [19-1] motion for Summary Judgment On All Counts . (jab) (Entered: 10/23/2001)
10/23/2001	40	FINAL PRETRIAL ORDER; Evidence will begin on 12/3/01; parties estimate trial will require approximately 3 days. Witness list; premarked exhibits to be filed by 11/30/01. reset Bench Trial for 9:00 12/3/01 , set Notice of Compliance deadline to 11/30/01 for Developmental Svcs, for HHS NH, for Claire Shepardson, for Bonnie Bryson (signed by Judge Steven J. McAuliffe) (jab) Modified on 10/26/2001 (Entered: 10/23/2001)
10/24/2001		ENDORSED ORDER granting [31-1] motion to Extend Time to file trial memorandum until after ruling on motion for summary judgment (signed by Judge Steven J. McAuliffe) (jab) (Entered: 10/24/2001)
11/07/2001	41	TRIAL MEMORANDUM by HHS NH, Developmental Svcs (amm) (Entered: 11/08/2001)
11/27/2001		PRETRIAL CONFERENCE before: Judge McAuliffe set at 2:30 11/28/01 . (jab) (Entered: 11/27/2001)
11/28/2001		PRETRIAL CONFERENCE before: Judge McAuliffe held (jab) (Entered: 11/28/2001)
11/30/2001	42	Stipulated Facts by Bonnie Bryson, Claire Shepardson, HHS NH, Developmental Svcs (jab) (Entered: 11/30/2001)
12/10/2001		ENDORSED ORDER approving/granting [42-1] stipulation (signed by Judge Steven J. McAuliffe) (jab) (Entered: 12/10/2001)
12/10/2001	43	/// ORDER: Declaratory Judgment is granted as to Count II of pltfs' motion for summary judgment; Court does not reach Counts II and IV and finds them moot; Court shall enter judgment in accordance with this Order. (signed by Judge Steven J. McAuliffe) (jab) (Entered: 12/10/2001)
12/10/2001	44	JUDGMENT is hereby entered in accordance with the Orders of Judge Steven J. McAuliffe dated October 23, 2001 and December 10, 2001, and the Stipulated Facts approved by Judge Steven J. McAuliffe dated December 10, 2001. (Signed by Clerk James R. Starr) (jab) (Entered: 12/10/2001)
12/10/2001		Case closed (jab) (Entered: 12/10/2001)
12/21/2001	45	ASSENTED-TO MOTION by Bonnie Bryson, Claire Shepardson to Extend Time in which to file pltfs' motion for reasonable attorney's fees to 1/9/02 no memorandum. (jab) (Entered: 12/21/2001)

12/27/2001		ENDORSED ORDER granting [45-1] motion to Extend Time in which to file pltfs' motion for reasonable attorney's fees to 1/9/02, set Motion Filing deadline to 1/9/02 for Claire Shepardson, for Bonnie Bryson (signed by Judge Steven J. McAuliffe) (jab) (Entered: 12/27/2001)
01/07/2002	46	ASSENTED-TO MOTION by Bonnie Bryson, Claire Shepardson to Extend Time to 1/22/02 , or For a Stay Pending Appeal re: Pltfs' Motion for Reasonable Attorney's Fees no memorandum. (jab) (Entered: 01/08/2002)
01/08/2002		ENDORSED ORDER granting [46-1] motion to Extend Time to 1/22/02, mootng [46-2] motion For a Stay Pending Appeal re: Pltfs' Motion for Reasonable Attorney's Fees, reset Motion Filing deadline to 1/22/02 for Claire Shepardson, for Bonnie Bryson (signed by Judge Steven J. McAuliffe) (jab) (Entered: 01/08/2002)
01/09/2002	47	NOTICE OF APPEAL by HHS NH, Developmental Svcs . Filing fee \$ 105.00 ; receipt # 21099. File-stamped copy to parties/CCA with Appeal Information Sheet. (jab) Modified on 01/24/2002 (Entered: 01/10/2002)
01/10/2002	48	ASSENTED-TO MOTION by HHS NH, Developmental Svcs For Partial Stay of Judgment Pending Appeal no memorandum. (jab) (Entered: 01/10/2002)
01/10/2002		ENDORSED ORDER granting [48-1] motion For Partial Stay of Judgment Pending Appeal (signed by Judge Steven J. McAuliffe) (jab) (Entered: 01/11/2002)
01/11/2002		Appeal record sent to CCA with Clerk's certificate on [47-1] appeal by Developmental Svcs, HHS NH --- transmitting documents: 1-48 (jab) (Entered: 01/11/2002)
01/24/2002		NOTICE of Docketing Record on Appeal from First Circuit Court of Appeals Re: [47-1] appeal by Developmental Svcs, HHS NH . CCA NUMBER: 02-1059 (jab) (Entered: 09/05/2002)
10/17/2002	49	OPINION of CCA Re: [47-1] appeal. CCA reversed the district court's ruling that the waiver plan must include 200 slots, vacated the notice ruling and the injunction, and remanded the other two issues. (jab) (Entered: 10/18/2002)
10/18/2002	50	Addendum/Errata sheet from CCA amending [49-1] cca opinion (Page 3, Line 6) (jab) (Entered: 10/18/2002)
11/06/2002	51	MANDATE OF CCA Re: [47-1] appeal - the district court's ruling that the waiver plan must include 200 slots is reversed, and the notice ruling and the injunction are vacated. The matters are remanded for further proceedings not inconsistent with the opinion issued. (jab) (Entered: 11/06/2002)
11/06/2002		Record on appeal returned from U.S. Court of Appeals: [47-1] appeal by Developmental Svcs, HHS NH (jab) (Entered: 11/06/2002)
11/06/2002		Case reopened (jab) (Entered: 11/06/2002)
11/06/2002		Status conference set at 10:00 12/18/02 before: Judge McAuliffe (jab) (Entered: 11/06/2002)
11/19/2002		Terminated Document [47-1] appeal - returned from CCA (jab) (Entered: 11/19/2002)
12/18/2002		Status conference held before: Judge McAuliffe in chambers. (jab) (Entered: 12/18/2002)
01/24/2003	52	ORDER, plaintiffs to advise the Court and defendants as to what legal and factual issues remain; dispositive motions to be filed by 2/20/03 if appropriate; responses to be filed by 4/4/03. set Notice of Compliance deadline to 1/31/03 for Claire Shepardson, for Bonnie Bryson , set Dispositive Motion deadline to 2/20/03 , Response deadline set for 4/4/03 for Claire Shepardson, for Bonnie Bryson (signed Judge Steven J. McAuliffe) (jar) (Entered: 01/27/2003)
01/31/2003	53	NOTICE by Bonnie Bryson, Claire Shepardson RE Remaining Legal and Factual Issues (jar) (Entered: 02/03/2003)

02/20/2003	54	MOTION by HHS NH, Developmental Svcs to Extend Time to 3/20/03 to File Motions for Summary Judgment with assent, no memorandum served on: 2/20/03. (jar) (Entered: 02/21/2003)
03/20/2003	55	MOTION by HHS NH, Developmental Svcs for Summary Judgment with memorandum served on: 3/20/03. Objection to summary judgment deadline 4/22/03 (jar) (Entered: 03/21/2003)
04/03/2003		ENDORSED ORDER granting [54-1] motion to Extend Time to 3/20/03 to File Motions for Summary Judgment nunc pro tunc. (signed by Judge Steven J. McAuliffe) (jar) (Entered: 04/07/2003)
04/18/2003	56	MOTION by Bonnie Bryson, Claire Shepardson to Extend Time to 6/2/03 to File Objection to Motion for Summary Judgment with assent, no memorandum; served on: 4/17/03. (jar) (Entered: 04/22/2003)
04/23/2003		ENDORSED ORDER granting [56-1] motion to Extend Time to 6/2/03 to File Objection to Motion for Summary Judgment, reset Objection to summary jgm deadline reset to 6/2/03 [55-1] motion for Summary Judgment (signed by Judge Steven J. McAuliffe) (jar) (Entered: 04/23/2003)
06/02/2003	57	MOTION by Bonnie Bryson, Claire Shepardson for Summary Judgment or in the Alternative, Plaintiffs' Objection to Defendants' Motion for Summary Judgment with memo and exhibits volume 1 and 2; served on: 6/2/03. Objection to summary judgment deadline 7/7/03 (jar) Modified on 06/03/2003 (Entered: 06/03/2003)
06/03/2003	58	MOTION by Bonnie Bryson, Claire Shepardson to Exceed Page Limitations with assent; no memo; served on: 6/2/03. (jar) (Entered: 06/03/2003)
06/04/2003		ENDORSED ORDER granting [58-1] motion to Exceed Page Limitations re: objection to motion for summary judgment (signed by Judge Steven J. McAuliffe) (amm) (Entered: 06/05/2003)
06/05/2003	59	MOTION by HHS NH, Developmental Svcs to Strike [57-1] motion for Summary Judgment or in the Alternative, Plaintiffs' Objection to Defendants' Motion for Summary Judgment no memo; served on: 6/5/03. Objection to Motion Deadline 6/24/03 (jar) (Entered: 06/06/2003)
06/09/2003	60	MOTION by Bonnie Bryson, Claire Shepardson to Substitute a Corrected Memo in Support of Plaintiffs' Motion for Summary Judgment or, in the Alternative, Objection to Defendants' Motion for Summary Judgment Dated March 20, 2003 with assent; corrected memo attached; served on: 6/9/03. (jar) (Entered: 06/10/2003)
06/11/2003		ENDORSED ORDER granting [60-1] motion to Substitute a Corrected Memo in Support of Plaintiffs' Motion for Summary Judgment or, in the Alternative, Objection to Defendants' Motion for Summary Judgment Dated March 20, 2003 (signed by Judge Steven J. McAuliffe) (jar) (Entered: 06/11/2003)
06/11/2003	61	CORRECTED MEMORANDUM by Bonnie Bryson, Claire Shepardson in support of [57-1] motion for Summary Judgment or in the Alternative, Plaintiffs' Objection to Defendants' Motion Summary Judgment (jar) (Entered: 06/11/2003)
06/16/2003	62	OBJECTION with no memo statement by Bonnie Bryson, Claire Shepardson to [59-1] motion to Strike [57-1] motion for Summary Judgment or in the Alternative, Plaintiffs' Objection to Defendants' Motion for Summary Judgment . Date of service of objection was 6/16/03 (jab) (Entered: 06/16/2003)
08/18/2003	63	MOTION by Bonnie Bryson, Claire Shepardson for Leave to File Notice of New Authority with assent; no memo; notice attached; served on: 8/13/03. (jar) (Entered: 08/18/2003)
08/18/2003		ENDORSED ORDER granting [63-1] motion for Leave to File Notice of New Authority (signed by Judge Steven J. McAuliffe) (jar) (Entered: 08/29/2003)
08/18/2003	64	RESPONSE/NOTICE of New Authority by Bonnie Bryson, Claire Shepardson to [57-1] motion for Summary Judgment or in the Alternative, Plaintiffs' Objection to Defendants' Motion for Summary Judgment . (jar) (Entered: 08/29/2003)

03/26/2004	65	ORDER denying 55 Motion for Summary Judgment, denying 57 Motion for Summary Judgment. Signed by Judge Steven J. McAuliffe.(jar,) (Entered: 03/29/2004)
03/29/2004		ENDORSED ORDER denying 59 Motion to Strike 57 Motion for Summary Judgment., Text of Order: Denied, moot Signed by Judge Steven J. McAuliffe.(jar,) (Entered: 03/29/2004)
03/29/2004		NOTICE OF PRETRIAL CONFERENCE. Pretrial Conference set for 4/19/2004 04:00 PM before Judge Steven J. McAuliffe.(jar,) (Entered: 03/29/2004)
04/01/2004		NOTICE OF PRETRIAL CONFERENCE. Pretrial Conference reset for 4/23/2004 01:30 PM before Judge Steven J. McAuliffe. Follow up on Discovery Plan 4/16/2004.(jar,) (Entered: 04/01/2004)
04/01/2004	66	NOTICE of Attorney Withdrawal by Sheila O'Leary Zakre on behalf of Bonnie Bryson, Claire Shepardson (jar,) (Entered: 04/01/2004)
04/01/2004	67	NOTICE of Attorney Appearance by Amy Beth Messer on behalf of Bonnie Bryson, Claire Shepardson (jar,) (Entered: 04/01/2004)
04/07/2004	68	Assented to MOTION to Continue Pretrial Conference filed by Bonnie Bryson, Claire Shepardson . (jar,) (Entered: 04/08/2004)
04/09/2004		ENDORSED ORDER granting 68 Motion to Continue. Text of Order: motion granted Signed by Judge Steven J. McAuliffe. Pretrial Conference set for 5/18/2004 04:00 PM before Judge Steven J. McAuliffe; discovery plan is due 5/13/2004(jar,) (Entered: 04/09/2004)
05/13/2004	69	Supplemental Proposed Discovery Plan.(jar,) (Entered: 05/13/2004)
05/18/2004		Minute Entry for proceedings held before Judge Steven J. McAuliffe. PRETRIAL CONFERENCE held on 5/18/2004. (jar,) (Entered: 07/12/2004)
07/30/2004	70	Assented to MOTION to Amend 69 Proposed Discovery Plan to Include Proposed Trial Date filed by Bonnie Bryson, Claire Shepardson . (jar,) (Entered: 08/02/2004)
08/04/2004		ORDER granting 70 Assented-to Motion to Amend Supplemental Discovery Plan to Include Proposed Trial Date. Signed by Judge Steven J. McAuliffe.(lag,) (Entered: 08/05/2004)
08/10/2004		TRIAL NOTICE: LR 16.2(d) Objections due 2/15/2005. Jury Trial set for 3/1/2005 09:30 AM before Judge Steven J. McAuliffe. Final Pretrial Conference set for 2/18/2005 11:30 AM before Judge Steven J. McAuliffe. Pretrial Statements due 2/1/2005.(jar,) (Entered: 08/10/2004)
09/15/2004	71	Assented to MOTION to Amend 69 Proposed Discovery Plan filed by Bonnie Bryson, Claire Shepardson . (jar,) (Entered: 09/16/2004)
09/17/2004		ORDER granting 71 Assented-to Motion to Amend Supplemental Discovery Plan and Continue Trial Date From March 2005 to May 2005. Signed by Judge Steven J. McAuliffe.(lag,) (Entered: 09/17/2004)
09/23/2004		TRIAL NOTICE: LR 16.2(d) Objections due 4/18/2005. Jury Trial set for 5/3/2005 09:30 AM before Judge Steven J. McAuliffe. Final Pretrial Conference set for 4/21/2005 02:00 PM before Judge Steven J. McAuliffe. Pretrial Statements due 4/4/2005.(jar,) (Entered: 09/23/2004)
12/13/2004	72	MOTION to Exclude Expert Testimony or, in the alternative, Motion to Compel filed by Bonnie Bryson, Claire Shepardson , with attachments.Served on 12/13//04. Follow up on Objection on 1/3/2005 (jab,) (Entered: 12/13/2004)
12/13/2004	73	Assented to MOTION to Extend Discovery Deadlines filed by Bonnie Bryson, Claire Shepardson . (jab,) (Entered: 12/13/2004)
12/14/2004		ENDORSED ORDER granting 73 Plaintiffs' Motion to Extend Discovery Deadlines. Signed by Judge Steven J. McAuliffe.(lag,) (Entered: 12/14/2004)

01/03/2005	74	OBJECTION to 72 MOTION to Exclude Expert Testimony or, in the alternative, Motion to Compel, served on 1/3/2005, filed by NH Department of Health and Human Services, NH Division of Developmental Services. (jar,) (Entered: 01/04/2005)
01/04/2005	75	CORRECTION TO OBJECTION to 72 MOTION to Exclude Expert Testimony or, in the alternative, Motion to Compel, served on 1/4/2005, filed by NH Department of Health and Human Services, NH Division of Developmental Services. (jar,) (Entered: 01/05/2005)
02/16/2005	76	NOTICE of Attorney Appearance by Rosemary Wiant for Bonnie Bryson, Claire Shepardson(jar,) (Entered: 02/16/2005)
04/04/2005	77	Pretrial Material filed by Bonnie Bryson, Claire Shepardson. (jar,) (Entered: 04/05/2005)
04/04/2005	78	Request for Findings of Fact and Rulings of Law by Bonnie Bryson, Claire Shepardson. (jar,) (Entered: 04/05/2005)
04/04/2005	79	TRIAL BRIEF by Bonnie Bryson, Claire Shepardson. (jar,) (Entered: 04/05/2005)
04/04/2005	80	Pretrial Material filed by NH Department of Health and Human Services, NH Division of Developmental Services. (jar,) (Entered: 04/05/2005)
04/04/2005	81	Request for Findings of Fact and Rulings of Law by NH Department of Health and Human Services, NH Division of Developmental Services. (jar,) (Entered: 04/05/2005)
04/04/2005	82	TRIAL BRIEF by NH Department of Health and Human Services, NH Division of Developmental Services. (jar,) (Entered: 04/05/2005)
04/07/2005		RESCHEDULING NOTICE of Hearing. Final Pretrial Conference set for 4/22/2005 09:30 AM before Chief Judge Steven J. McAuliffe.(jar,) (Entered: 04/07/2005)
04/07/2005	83	Assented to MOTION for a Date Specific RE Bench Trial filed by Bonnie Bryson, Claire Shepardson. (jar,) (Entered: 04/07/2005)
04/12/2005		TRIAL NOTICE: LR 16.2(d) Objections due 9/30/2005. Bench Trial set for 10/25/2005 09:30 AM before Chief Judge Steven J. McAuliffe. Final Pretrial Conference set for 10/3/2005 04:00 PM before Chief Judge Steven J. McAuliffe. Pretrial Statements due 9/16/2005.(jar,) (Entered: 04/12/2005)
07/07/2005	84	Assented to MOTION for Preliminary Approval of Class Action Settlement RE Counts VI and VII of Plaintiffs' Amended Complaint filed by Bonnie Bryson, Claire Shepardson, NH Department of Health and Human Services, NH Division of Developmental Services. (jar,) (Entered: 07/07/2005)
08/01/2005		ENDORSED ORDER granting 84 joint motion for preliminary approval of class action settlement on Counts VI and VII. Text of Order: Granted. So Ordered by Judge Steven J. McAuliffe. (lag,) (Entered: 08/01/2005)
08/01/2005	<u>85</u>	Settlement Agreement regarding Decision Notices to ABD Waiver Applicants, Count VI, VII of Plaintiffs' Amended Complaint with Addendum/Agreement on Fees. (jab,) (Entered: 08/02/2005)
09/16/2005	86	Pretrial Material filed by Bonnie Bryson, Claire Shepardson. (jar,) (Entered: 09/16/2005)
09/16/2005	87	Request for Findings of Fact and Rulings of Law by Bonnie Bryson, Claire Shepardson. (jar,) (Entered: 09/16/2005)
09/16/2005	88	TRIAL BRIEF by Bonnie Bryson, Claire Shepardson. (jar,) (Entered: 09/16/2005)
09/16/2005	89	Request for Findings of Fact and Rulings of Law by NH Department of Health and Human Services, NH Division of Developmental Services. (jar,) (Entered: 09/16/2005)
09/16/2005	90	Pretrial Material filed by NH Department of Health and Human Services, NH Division of Developmental Services. (jar,) (Entered: 09/16/2005)

09/16/2005	91	TRIAL BRIEF by NH Department of Health and Human Services, NH Division of Developmental Services. (jar,) (Entered: 09/16/2005)
09/27/2005	92	Assented to MOTION for Final Approval of Proposed Partial Settlement filed by Bonnie Bryson, Claire Shepardson, NH Department of Health and Human Services, NH Division of Developmental Services. (jar,) (Entered: 09/27/2005)
09/27/2005	<u>93</u>	ORDER denying 72 plaintiffs' Motion to Exclude. So Ordered by Judge Steven J. McAuliffe. (lag,) (Entered: 09/28/2005)
09/28/2005	<u>94</u>	NOTICE sent. Effective October 1, 2005, this district has mandatory electronic case filing. Thus, this case is designated for Electronic Case Filing. All future submissions shall be filed in compliance with the Administrative Procedures for Electronic Case Filing. See Administrative Order 05-05. Please note that pro se litigants, as well as any attorneys who have not yet registered for ECF, must continue to be served in paper. (Lynch, Daniel) (Entered: 09/28/2005)
09/30/2005	95	Objection to 89 Request for Findings of Fact filed by Bonnie Bryson, Claire Shepardson. (jar,) (Entered: 09/30/2005)
09/30/2005	96	Objection to 90 Pretrial Material filed by Bonnie Bryson, Claire Shepardson. (jar,) (Entered: 09/30/2005)
09/30/2005	<u>97</u>	Objection to 86 Pretrial Material filed by NH Department of Health and Human Services, NH Division of Developmental Services. (Gorman, Suzanne) (Entered: 09/30/2005)
09/30/2005	<u>98</u>	Objection to 87 Request for Findings of Fact <i>and Rulings of Law</i> filed by NH Department of Health and Human Services, NH Division of Developmental Services. (Gorman, Suzanne) (Entered: 09/30/2005)
09/30/2005		Minute Entry for proceedings held before Judge Steven J. McAuliffe. FINAL PRETRIAL CONFERENCE held on 9/30/2005. Further final pretrial conference scheduled for October 19, 2005 at 2PM. (Total Hearing Time: 1 hr 15 mins) (jar,) (Entered: 10/04/2005)
10/03/2005		Minute Entry for proceedings held before Judge Steven J. McAuliffe. FINAL PRETRIAL CONFERENCE held on 10/3/2005. (Total Hearing Time: 1:30) (jar,) (Entered: 11/03/2005)
10/04/2005		NOTICE OF FURTHER FINAL PRETRIAL CONFERENCE. Further Final Pretrial Conference set for 10/19/2005 02:00 PM before Chief Judge Steven J. McAuliffe. (Entered: 10/04/2005)
10/07/2005		ENDORSED ORDER granting 92 Motion for Final Approval of Proposed Partial Settlement. Text of Order: Granted So Ordered by Judge Steven J. McAuliffe. (jar,) (Entered: 10/12/2005)
10/07/2005	<u>99</u>	ORDER RE Final Approval Hearing Signed by Judge Steven J. McAuliffe. (jar,) (Entered: 10/12/2005)
10/14/2005	<u>100</u>	Assented to MOTION to Seal Document <i>Exhibits</i> filed by Bonnie Bryson, Claire Shepardson. (Messer, Amy) (Entered: 10/14/2005)
10/20/2005	<u>101</u>	Witness List by NH Department of Health and Human Services, NH Division of Developmental Services. (jar,) (Entered: 10/20/2005)
10/21/2005	<u>102</u>	Witness List by Bonnie Bryson, Claire Shepardson. (jar,) (Entered: 10/21/2005)
10/24/2005	<u>103</u>	TRIAL BRIEF/Trial Outline by Bonnie Bryson, Claire Shepardson. (jar,) (Entered: 10/24/2005)
10/25/2005	<u>104</u>	TRIAL BRIEF/Trial Outline of Defenses by NH Department of Health and Human Services, NH Division of Developmental Services. (jar,) Additional attachment(s) added on 10/26/2005 (jar,). (Entered: 10/26/2005)
10/25/2005		Minute Entry for proceedings held before Judge Steven J. McAuliffe. BENCH TRIAL – Day 1 held on 10/25/2005. Witnesses Appearing: Max Chmura, Brant Elkind. (Court Reporter: C. Quimby (morning session); S. Bailey (afternoon session)) (Pltfs Atty: Amy Messer, Ronald Lospennato) (Defts Atty: Suzanne

		Gorman, Daniel Mullen)(Total Hearing Time: 5:05) (jar,) (Entered: 10/26/2005)
10/26/2005		Minute Entry for proceedings held before Judge Steven J. McAuliffe. BENCH TRIAL – Day 2 held on 10/26/2005. Witnesses Appearing: John Capuco, Matthew Ertas. (Court Reporter: S. Bailey (morning session), C. Quimby (afternoon session)) (Pltfs Atty: Amy Messer, Ronald Lospennato) (Defts Atty: Suzanne Gorman, Daniel Mullen)(Total Hearing Time: 5:20) (jar,) (Entered: 10/27/2005)
10/27/2005	<u>105</u>	Exhibit List by Bonnie Bryson, Claire Shepardson with receipt acknowledged by Ronald Lospennato. (jar,) (Entered: 10/28/2005)
10/27/2005	<u>106</u>	Exhibit List by NH Department of Health and Human Services, NH Division of Developmental Services. (jar,) (Entered: 10/28/2005)
10/27/2005		Minute Entry for proceedings held before Judge Steven J. McAuliffe. BENCH TRIAL – Day 3 completed on 10/27/2005. Witnesses Appearing: Matthew Ertas (continued); John Stephen and James Fredyma. Case taken under advisement. Briefs to be filed by 12/15/2005 (optional). (Court Reporter: S. Bailey (morning session); C. Quimby (afternoon session)) (Pltfs Atty: Amy Messer, Ronald Lospennato) (Defts Atty: Suzanne Gorman, Daniel Mullen)(Total Hearing Time: 3:11) (jar,) (Entered: 10/28/2005)
10/31/2005		Return of Exhibits listed on <u>106</u> Exhibit List to NH Department of Health and Human Services, NH Division of Developmental Services. (jar,) (Entered: 11/01/2005)
11/04/2005		ENDORSED ORDER RE <u>100</u> Motion to Seal Document. Text of Order: Documents shall be redacted as necessary before any public disclosure will be made, and shall be returned to the submitting parties after trial. Members of the class or potential members who have objected to release of any information shall have that information redacted (all as discussed at the final pretrial conference). Signed by Judge Steven J. McAuliffe. (jar,) (Entered: 11/04/2005)
11/17/2005	<u>107</u>	Request for Findings of Fact and Rulings of Law <i>POST TRIAL REVISED</i> by Bonnie Bryson. (Messer, Amy) (Entered: 11/17/2005)
12/15/2005	<u>108</u>	Request for Findings of Fact and Rulings of Law <i>Revised Post-Trial</i> by NH Department of Health and Human Services, NH Division of Developmental Services. (Gorman, Suzanne) (Entered: 12/15/2005)
12/15/2005	<u>109</u>	MOTION to Supplement the Record <i>Post –Trial</i> filed by NH Department of Health and Human Services, NH Division of Developmental Services. Follow up on Objection on 1/4/2006 (Attachments: # <u>1</u> Exhibit (Affidavit) of John Capuco, # <u>2</u> Exhibit CCC, # <u>3</u> Exhibit DDD, # <u>4</u> Exhibit EEE1, # <u>5</u> Exhibit EEE2, # <u>6</u> Exhibit EEE3, # <u>7</u> Exhibit EEE4, # <u>8</u> Exhibit EEE5, # <u>9</u> Exhibit EEE6)(Gorman, Suzanne) (Entered: 12/15/2005)
12/21/2005	<u>110</u>	OBJECTION to <u>109</u> MOTION to Supplement the Record <i>Post –Trial</i> filed by Bonnie Bryson. (Messer, Amy) (Entered: 12/21/2005)
12/21/2005	<u>111</u>	Objection to <u>108</u> Request for Findings of Fact <i>Post-Trial Revised</i> filed by Bonnie Bryson. (Messer, Amy) (Entered: 12/21/2005)
03/29/2006	<u>112</u>	MOTION for Leave to File Supplemental Authority filed by NH Department of Health and Human Services, NH Division of Developmental Services. Follow up on Objection on 4/18/2006 (Mullen, Daniel) (Entered: 03/29/2006)
04/03/2006	<u>113</u>	OBJECTION to <u>112</u> MOTION for Leave to File Supplemental Authority filed by Bonnie Bryson. (Messer, Amy) (Entered: 04/03/2006)
04/04/2006		ENDORSED ORDER granting <u>112</u> Motion for Leave to File supplemental authority. Text of Order: Granted So Ordered by Judge Steven J. McAuliffe. (lag,) (Entered: 04/04/2006)
09/29/2006		ENDORSED ORDER granting <u>109</u> motion to supplement the record post-trial. Text of Order: Granted So Ordered by Judge Steven J. McAuliffe. (lag,) (Entered: 09/29/2006)

09/29/2006	<u>114</u>	Order Resolving Findings of Fact and Rulings of Law. Signed by Judge Steven J. McAuliffe. (lag,) (Entered: 09/29/2006)
09/29/2006	<u>115</u>	Order Resolving Counts 3 and 4. Signed by Judge Steven J. McAuliffe. (lag,) (Entered: 09/29/2006)
09/29/2006	<u>116</u>	JUDGMENT is hereby entered in accordance with <u>114</u> Findings of Fact & Conclusions of Law, <u>115</u> Findings of Fact & Conclusions of Law, <u>99</u> Order, <u>38</u> Order, and <u>85</u> Settlement Agreement. Signed by Clerk James R. Starr. (Case Closed) (jar,) (Entered: 09/29/2006)
12/08/2008		File located at National Archives and Records Administration (NARA), Waltham, MA. Transfer No. 021-09-0003, Location No. A112859, Box No. 2 (Pleadings 1-25); Location A112860, Box 3 (Pleadings 26-end).(jeb) (Entered: 12/08/2008)