

**U.S. District Court
District of New Hampshire (Concord)
CIVIL DOCKET FOR CASE #: 1:98-cv-00299-SM**

Gagnon v. HHS NH Commr, et al
Assigned to: Chief Judge Steven J. McAuliffe
Demand: \$0
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 05/08/1998
Date Terminated: 07/24/2000
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Elizabeth Gagnon

represented by **Ronald K. Lospennato**
Disabilities Rights Center Inc.
18 Low Ave
Concord, NH 03301-4971
603 228-0432
Email: ronaldl@drcnh.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**NH Department of Health and Human
Services, Director**
other
Terry L. Morton

represented by **Andrew B. Livernois – NHAG**
NH Attorney General's Office
33 Capitol Street
Concord, NH 03301-6397
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TERMINATED: 04/20/2000
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**NH Department of Health and Human
Services, Division of Behavioral Health
Services, Director**
other
Paul Gorman

represented by **Andrew B. Livernois – NHAG**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Suzanne M. Gorman
(See above for address)
TERMINATED: 04/20/2000
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
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05/08/1998	1	VERIFIED COMPLAINT (vha) (Entered: 05/08/1998)
05/08/1998	2	MOTION by Elizabeth Gagnon to Proceed in Forma Pauperis with financial declaration. (vha) (Entered: 05/08/1998)
05/08/1998	3	MOTION by Elizabeth Gagnon for Preliminary Injunction with memo. (vha) (Entered: 05/08/1998)
05/08/1998		SUMMONS(ES) issued for Commissioner, NH Department of HHServices, and Director, Division of Behavioral Health Services, NH Department of HHServices (vha) (Entered: 05/08/1998)
05/14/1998	4	AMENDED MOTION by Elizabeth Gagnon for Preliminary Injunction (amm) (Entered: 05/14/1998)
05/18/1998	5	MOTION by Elizabeth Gagnon for Expedited Hearing on motion for preliminary injunction (amm) (Entered: 05/19/1998)
05/20/1998		ENDORSED ORDER granting [5-1] motion for Expedited Hearing on motion for preliminary injunction, Motion Hearing set for 9:00 6/16/98 for [4-1] motion for Preliminary Injunction One-half day maximum. Counsel should be prepared to make offer of proof. (signed by Judge Steven J. McAuliffe) (amm) (Entered: 05/20/1998)
05/20/1998	6	CERTIFICATE OF SERVICE by Elizabeth Gagnon re: motion for an expedited hearing on her motion for preliminary injunction (amm) (Entered: 05/26/1998)
05/28/1998	7	AGREEMENT OF Acceptance of Service. Service date 5/11/98 ; Answer due on 6/30/98 for HHS NH Behavioral, for HHS NH Commr . (amm) (Entered: 05/28/1998)
05/28/1998		Motion hearing re: [4-1] motion for Preliminary Injunction at 2:00 6/1/98 before Judge Steven J. McAuliffe . (amm) (Entered: 05/28/1998)
06/05/1998	8	Stipulation by Elizabeth Gagnon, HHS NH Commr, HHS NH Behavioral (amm) (Entered: 06/08/1998)
06/05/1998		Terminated Document [4-1] motion for Preliminary Injunction, [3-1] motion for Preliminary Injunction pursuant to the stipulation filed 6/5/98 (amm) (Entered: 06/08/1998)
06/10/1998	9	ANSWER to Complaint by HHS NH Commr, HHS NH Behavioral (Attorney Suzanne M. Gorman) [1-1] complaint (amm) (Entered: 06/15/1998)
06/15/1998		ENDORSED ORDER granting [8-1] stipulation, set Miscellaneous deadline for 11/2/98 for lifting of stay (signed by Judge Steven J. McAuliffe) (amm) (Entered: 06/16/1998)
06/17/1998		ENDORSED ORDER granting [2-1] motion to Proceed in Forma Pauperis (signed by Magistrate Judge James R. Muirhead) (amm) (Entered: 06/17/1998)
06/29/1998	10	ASSENTED TO MOTION by HHS NH Commr, HHS NH Behavioral to Extend Time to expand discovery schedule on class certification to 7/2/98 (amm) (Entered: 06/30/1998)
06/30/1998		ENDORSED ORDER granting [10-1] motion to Extend Time to expand discovery schedule on class certification to 7/2/98 (signed by Judge Steven J. McAuliffe) (amm) (Entered: 06/30/1998)
07/02/1998	11	Proposed Discovery Plan re: Class Certification (jab) (Entered: 07/07/1998)
07/15/1998		ENDORSED ORDER approving [11-1] plan discovery (signed by Judge Steven J. McAuliffe) (jab) (Entered: 07/15/1998)
11/10/1998		PRETRIAL CONFERENCE set at 4:00 12/4/98 ; Discovery Plan Deadline set to 11/30/98 before: Judge Steven J. McAuliffe (amm) (Entered: 11/10/1998)
11/30/1998	12	Proposed Discovery Plan (amm) (Entered: 12/01/1998)
12/07/1998	13	MOTION by Elizabeth Gagnon for class certification with memorandum. Objection to Motion Deadline 12/28/98 (amm) (Entered: 12/07/1998)

12/10/1998		ENDORSED ORDER granting [12-1] plan discovery, set Discovery deadline to 7/1/99 , set Dispositive Motion Filing deadline to 8/2/99 for all parties , set ready for trial deadline to 11/1/99 (signed by Judge Steven J. McAuliffe) (amm) (Entered: 12/11/1998)
12/11/1998		***Case track set—STNDRD (amm) (Entered: 12/11/1998)
12/18/1998	14	Stipulation re: pltf's request for permanent injunctive relief by Elizabeth Gagnon, HHS NH Commr, HHS NH Behavioral (amm) (Entered: 12/18/1998)
12/18/1998	15	OBJECTION by HHS NH Commr, HHS NH Behavioral to [13-1] motion for class certification (amm) (Entered: 12/20/1998)
12/22/1998		ENDORSED ORDER approving [14-1] stipulation (signed by Judge Steven J. McAuliffe) (jab) (Entered: 12/23/1998)
04/02/1999		TRIAL NOTICE. Joint mediation statement due 8/2/99 ; Final Pretrial Statements Due 10/15/99 ; Final Pretrial Conference set for 8:45 10/25/99 ; Bench Trial set for 2-week period beginning 9:00 11/2/99 LR 16.2(e) Objections Due: 10/21/99. (before Judge Steven J. McAuliffe) (amm) (Entered: 04/02/1999)
07/02/1999	16	ASSENTED TO MOTION by Elizabeth Gagnon to Amend pretrial scheduling order with memorandum. (amm) (Entered: 07/06/1999)
07/07/1999		ENDORSED ORDER granting [16-1] motion to Amend pretrial scheduling order; Trial ddls to be reset after ruling on motion for class certification (signed by Judge Steven J. McAuliffe) (amm) (Entered: 07/07/1999)
08/31/1999	17	ORDER granting [13-1] motion for class certification; court retains the power to modify the class description, to include defining sub-classes; the court declines to require notice to be given to all members of the clas. (signed by Judge Steven J. McAuliffe) (amm) (Entered: 08/31/1999)
10/22/1999		TRIAL NOTICE. Joint mediation statement due 3/1/00 ; Final Pretrial Statements Due 5/8/00 ; Final Pretrial Conference set for 4:30 5/17/00 ; Bench Trial set for 2-week period beginning 9:00 5/30/00 LR 16.2(e) Objections Due: 5/15/00. (before Judge Steven J. McAuliffe) (amm) (Entered: 10/22/1999)
03/03/2000	18	JOINT Mediation Statement: not interested (amm) (Entered: 03/06/2000)
04/10/2000	19	Settlement Agreement by Elizabeth Gagnon, HHS NH Commr, HHS NH Behavioral (amm) (Entered: 04/11/2000)
04/10/2000	20	Proposed Class Action Settlement by Elizabeth Gagnon, HHS NH Commr, HHS NH Behavioral (amm) (Entered: 04/11/2000)
04/11/2000		SPECIAL HEARING: Prosposed Class Action Settlement [20-1] set 11:00 4/17/00 before Judge Steven J. McAuliffe (amm) (Entered: 04/11/2000)
04/14/2000	21	ASSENTED TO MOTION by HHS NH Commr, HHS NH Behavioral to Continue Special Hearing scheduled for 4/17/00 re: proposed settlement (amm) (Entered: 04/14/2000)
04/17/2000		ENDORSED ORDER granting [21-1] motion to Continue Special Hearing scheduled for 4/17/00 re: proposed settlement, re Special Hearing for 2:30 5/22/00 (signed by Judge Steven J. McAuliffe) (amm) (Entered: 04/17/2000)
04/20/2000	22	NOTICE of attorney appearance for HHS NH Commr, HHS NH Behavioral by Andrew B. Livernois (amm) (Entered: 04/21/2000)
04/20/2000	23	NOTICE of attorney withdrawal for HHS NH Commr, HHS NH Behavioral **Terminated attorney Suzanne M. Gorman for HHS NH Behavioral, attorney Suzanne M. Gorman for HHS NH Commr (amm) (Entered: 04/21/2000)
05/22/2000		SPECIAL HEARING: Settlement hearing held; Parties to submit a proposed order re: notice of publication to the class with hearing date of 7/31 at 10:00; Objection deadline due 7/14/00 before Judge Steven J. McAuliffe Court Reporter/Tape #: S. Kulacz (amm) (Entered: 05/22/2000)

05/30/2000	24	ORDER OF NOTICE REGARDING CLASS ACTION SETTLEMENT AGREEMENT: notice to be circulated to the class members as discussed; objections to be filed by 7/14/00; hearing to be held 7/31/00 at 10:00 set Special Hearing for 10:00 7/31/00 (signed by Judge Steven J. McAuliffe) (amm) (Entered: 05/30/2000)
07/21/2000		SPECIAL HEARING: Class Action Settlement held before Judge Steven J. McAuliffe; No objections filed; Court accepts settlement; Order to issue; Court Reporter/Tape #: D. Churas (amm) (Entered: 07/21/2000)
07/21/2000		ENDORSED ORDER granting [19-1] settlement agreement; Approved, so ordered; judgment in accordance with herewith. (signed by Judge Steven J. McAuliffe) (amm) (Entered: 07/24/2000)
07/24/2000	25	JUDGMENT is hereby entered in accordance with the order dated July 21, 2000, by U.S. District Judge Steven J. McAuliffe and the settlement agreement dated April 10, 2000. (Signed by Clerk James R. Starr) (amm) (Entered: 07/24/2000)
07/24/2000		Case closed (amm) (Entered: 07/24/2000)
03/06/2002		FILE located at National Archives and Records Administration (NARA) Waltham, MA. : Accession No:021- 02-0008, Location No: B409544, Box No: 7. (jeb) (Entered: 03/06/2002)