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**U.S. District Court
District of Connecticut (New Haven)
CIVIL DOCKET FOR CASE #: 3:18-cv-01198-MPS**

Barfield v. Cook
Assigned to: Judge Michael P. Shea
Referred to: Judge Sarah A. L. Merriam
Cause: 42:12101 Americans with Disabilities Act

Date Filed: 07/19/2018
Date Terminated: 08/03/2021
Jury Demand: None
Nature of Suit: 446 Civil Rights:
Americans with Disabilities - Other
Jurisdiction: Federal Question

Plaintiff

Robert Barfield

represented by **Kenneth James Krayeske**
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ATTORNEY TO BE NOTICED

V.

Defendant

Scott Semple
in his individual capacity

represented by **Steven R. Strom**
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Defendant

Rollin Cook
*in his official capacity As
Commissioner of the Connecticut
Department of Correction
TERMINATED: 08/04/2020*

represented by **Steven R. Strom**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Terrence M. O'Neill
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Angel Quiros
*Interim Commissioner of the
Department of Correction*

represented by **Steven R. Strom**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/19/2018	<u>1</u>	COMPLAINT <i>Verified</i> against Scott Semple (Filing fee \$400 receipt number ACTDC-4906404.), filed by Robert Barfield.(Krayeske, Kenneth) (Entered: 07/19/2018)
07/19/2018		Judge Michael P. Shea added. (Anastasio, F.) (Entered: 07/20/2018)
07/19/2018	<u>2</u>	Order on Pretrial Deadlines: Motions to Dismiss due on 10/19/2018. Amended Pleadings due by 9/17/2018. Discovery due by 1/18/2019. Dispositive Motions due by 2/17/2019. Signed by Clerk on 07/19/2018. (Peterson, M) (Entered: 07/20/2018)

07/19/2018	3	ELECTRONIC FILING ORDER FOR COUNSEL - PLEASE ENSURE COMPLIANCE WITH COURTESY COPY REQUIREMENTS IN THIS ORDER Signed by Judge Michael P. Shea on 07/19/2018. (Peterson, M) (Entered: 07/20/2018)
07/19/2018	4	STANDING PROTECTIVE ORDER Signed by Judge Michael P. Shea on 07/19/2018. (Peterson, M) (Entered: 07/20/2018)
07/20/2018	5	NOTICE TO COUNSEL/SELF-REPRESENTED PARTIES : Counsel or self-represented parties initiating or removing this action are responsible for serving all parties with attached documents and copies of 2 Order on Pretrial Deadlines, 3 Electronic Filing Order, 4 Protective Order, 1 Complaint filed by Robert Barfield Signed by Clerk on 07/20/2018. (Peterson, M) (Entered: 07/20/2018)
07/22/2018	6	NOTICE of Appearance by DeVaughn L. Ward on behalf of Robert Barfield (Ward, DeVaughn) (Entered: 07/22/2018)
07/26/2018		Request for Clerk to issue summons as to Scott Semple. (Krayeske, Kenneth) (Entered: 07/26/2018)
07/27/2018	7	ELECTRONIC SUMMONS ISSUED in accordance with Fed. R. Civ. P. 4 and LR 4 as to *Scott Semple* with answer to complaint due within *21* days. Attorney *Kenneth James Krayeske* *Kenneth J. Krayeske Law Offices* *255 Main St., 5th Floor* *Hartford, CT 06106*. (Peterson, M) (Entered: 07/27/2018)
08/15/2018	8	SUMMONS Returned Executed by Robert Barfield. Scott Semple served on 8/7/2018, answer due 8/28/2018. (Krayeske, Kenneth) (Entered: 08/15/2018)
08/22/2018	9	NOTICE of Appearance by Terrence M. O'Neill on behalf of Scott Semple (O'Neill, Terrence) (Entered: 08/22/2018)
08/22/2018	10	NOTICE of Appearance by Steven R. Strom on behalf of Scott Semple (Strom, Steven) (Entered: 08/22/2018)
08/22/2018	11	Consent MOTION for Extension of Time until September 28, 2018 to file defendant's answer and defenses or otherwise file a motion directed to the complaint by Scott Semple. (Strom, Steven) (Entered: 08/22/2018)
08/23/2018	12	ORDER. The 11 motion for extension of time is hereby GRANTED. The defendant will have until September 28, 2018 to respond to the complaint.

		Signed by Judge Michael P. Shea on 8/23/2018. (Self, A.) (Entered: 08/23/2018)
08/23/2018		Answer deadline updated for Scott Semple to 9/28/2018. (Johnson, D.) (Entered: 08/27/2018)
09/28/2018	13	MOTION to Strike 1 Complaint by Scott Semple.Responses due by 10/19/2018 (Attachments: # 1 Memorandum in Support, # 2 Attachment)(Strom, Steven) (Entered: 09/28/2018)
09/28/2018	14	MOTION to Dismiss by Scott Semple.Responses due by 10/19/2018 (Attachments: # 1 Memorandum in Support, # 2 Attachment)(Strom, Steven) (Entered: 09/28/2018)
10/01/2018	15	ORDER. Defendant has filed a 13 motion to dismiss Plaintiffs complaint for failure to state a claim. On or before, October 21, 2018 , Plaintiff shall either file a response to the motion or file an amended complaint in which Plaintiff pleads as many facts as possible, consistent with Rule 11, to address the alleged defects discussed in Defendants memorandum of law. The Court will not allow further amendments after October 21, 2018 . If Plaintiff chooses to amend and if Defendant renews the motion to dismiss, Defendant may incorporate by reference any prior briefing. Signed by Judge Michael P. Shea on 10/1/2018. (Self, A.) (Entered: 10/01/2018)
10/01/2018		Set Deadlines as to 14 MOTION to Dismiss .(Responses due by 10/21/2018,), or(Amended Complaint due by 10/21/2018) (Johnson, D.) (Entered: 10/03/2018)
10/03/2018	16	First MOTION for Extension of Time until November 20, 2018 To file an Amended Complaint or Respond to the Motion to Dismiss Set Motion and Rcmd Ruling Deadlines/Hearings, Set Deadlines/Hearings by Robert Barfield. (Krayeske, Kenneth) (Entered: 10/03/2018)
10/04/2018	17	ORDER. The 16 motion for extension of time is hereby GRANTED. The plaintiff shall have until November 20, 2018 in which to file his amended pleading or responses to the 14 motion to dismiss and 13 motion to strike. Further extensions are unlikely. Signed by Judge Michael P. Shea on 10/4/2018. (Self, A.) (Entered: 10/04/2018)

10/04/2018		Set/Reset Deadlines as to 14 MOTION to Dismiss .(Responses due by 11/20/2018,),or (Amended Pleadings due by 11/20/2018) (Johnson, D.) (Entered: 10/04/2018)
10/11/2018	18	<p>ORDER. The Court has reviewed the file in this case to monitor the parties' compliance with Local Rule 26(f). Local Rule 26(f) provides that, within 30 days after the appearance of any defendant, the attorneys of record and any unrepresented parties must confer for purposes described in Fed. R. Civ. P. 26(f). Local Rule 26(f) further provides that, within 14 days after the conference, the participants must jointly file a report of the conference using Form 26(f). It appears that more than forty-four days have passed since the appearance of a defendant in this case but no report has been filed. Accordingly, it is hereby ordered that the parties file on or before October 25, 2018, (1) a written statement signed by all counsel of record demonstrating that this case is exempt from the requirement of filing a Form 26(f) report; or (2) a Form 26(f) report along with a written statement signed by all counsel of record explaining why sanctions should not be imposed for the parties' failure to comply with Local Rule 26(f). Failure to comply with this order will result in dismissal of the complaint.</p> <p>Signed by Judge Michael P. Shea on 10/11/2018. (Self, A.) (Entered: 10/11/2018)</p>
10/11/2018		Set Deadlines: Rule 26 Meeting Report due by 10/25/2018 (Johnson, D.) (Entered: 10/12/2018)
10/25/2018	19	Joint REPORT of Rule 26(f) Planning Meeting. (Krayeske, Kenneth) (Entered: 10/25/2018)
10/26/2018	20	<p>ORDER: In response to this Court's order directing them to file a Rule 26(f) Report and show cause why sanctions should not be imposed for their failure to file one within the time limits set by the rules, the parties point to language in this Court's Local Rule 26(f) stating that it does not apply to "prisoner petitions." L.R. 26(f)(3). Whatever the scope of that term, however, it cannot be read to encompass a counseled case such as this one. A district court has no authority to promulgate rules that are inconsistent with the Federal Rules of Civil Procedure, see 28 U.S.C. Sec. 2071(a), and Federal Rule of Civil Procedure 26 clearly requires the parties in a case in which a prisoner is represented by counsel to hold a planning conference and submit a report to the Court outlining a proposed case management plan. Fed. R. Civ. P. 26(f); Fed. R. Civ. P. 26(a)(1)(B)(exempting, with respect to prisoners, only "an action brought without an attorney by a person in the custody of the United States, a state, or a state subdivision"). Therefore, the parties are required, by both the plain terms of Federal Rule 26(f) and by the only</p>

		<p>permissible reading of Local Rule 26(f) to file a Rule 26(f) Report. Furthermore, even if the rules did not require them to do so, the Court would order them to do so under its duty to manage the case efficiently and justly. See generally Fed. R. Civ. P. 1, 16. The Court requires the parties' assistance to assemble a case management plan in a proposed class action such as this one. Accordingly, the parties shall confer and file a fulsome Rule 26(f) Report, including their positions as to class certification and proposed briefing on any motion for class certification, within 7 days of this order. The Court will not impose sanctions given that the parties' failure to file a report previously has been explained by their interpretation of the Local Rule, incorrect though I find it to be.</p> <p>Signed by Judge Michael P. Shea on 10/26/2018. (Ram, Megha) (Entered: 10/26/2018)</p>
11/01/2018	21	<p>Joint REPORT of Rule 26(f) Planning Meeting. (Strom, Steven) (Entered: 11/01/2018)</p>
11/06/2018	22	<p>ORDER: In light of the parties' 21 Rule 26(f) report requesting a pretrial conference with the Court before entry of a scheduling order, a telephonic status conference is hereby scheduled for November 26, 2018 at 11:00 AM. Chambers will email counsel about the logistics of the telephone call.</p> <p>Signed by Judge Michael P. Shea on 11/6/2018. (Ram, Megha) (Entered: 11/06/2018)</p>
11/06/2018		<p>Set Deadlines/Hearings: Telephonic Status Conference set for 11/26/2018 11:00 AM before Judge Michael P. Shea (Johnson, D.) (Entered: 11/07/2018)</p>
11/20/2018	23	<p>MOTION to Amend/Correct 1 Complaint by Robert Barfield.Responses due by 12/11/2018 (Attachments: # 1 Proposed Amended Complaint, # 2 Redline of Original/Amended Complaint, # 3 Tatem, Darnell Consent to Join, # 4 Barberi, Jason Consent to Join, # 5 Knapp, John Consent to Join, # 6 Davis, Curtis Consent to Join)(Krayeske, Kenneth) (Entered: 11/20/2018)</p>
11/20/2018	24	<p>MOTION for Joinder re 23 MOTION to Amend/Correct 1 Complaint filed by Robert Barfield by Robert Barfield. (Krayeske, Kenneth) (Entered: 11/20/2018)</p>
11/21/2018	25	<p>ORDER: The telephonic status conference previously scheduled for November 26, 2018 is hereby RESCHEDULED to December 4, 2018 at</p>

		<p>2:30pm.</p> <p>Signed by Judge Michael P. Shea on 11/21/2018. (Ram, Megha) (Entered: 11/21/2018)</p>
11/21/2018		<p>Set Deadlines/Hearings: Telephonic Status Conference set for 12/4/2018 02:30 PM before Judge Michael P. Shea (Johnson, D.) (Entered: 11/26/2018)</p>
12/04/2018	27	<p>Minute Entry for proceedings held before Judge Michael P. Shea: Telephonic Status Conference held on 12/4/2018. 30 minutes(Court Reporter Marshall.) (Johnson, D.) (Entered: 12/06/2018)</p>
12/05/2018	26	<p>SCHEDULING ORDER: Upon consideration of the parties' 21 Joint Report of Rule 26(f) Planning Meeting, and the telephone status conference held on December 4, 2018, the Court orders the deadlines set forth in the attached.</p> <p>Signed by Judge Michael P. Shea on 12/5/2018. (Ram, Megha) (Entered: 12/05/2018)</p>
12/05/2018		<p>Set Deadlines/Hearings: Discovery due by 5/1/2019; Joint Status Report due by 2/18/2019; Telephonic Status Conference set for 2/25/2019 11:30 AM before Judge Michael P. Shea (Johnson, D.) (Entered: 12/06/2018)</p>
12/11/2018	28	<p>Memorandum in Opposition re 23 MOTION to Amend/Correct 1</p> <p>Complaint filed by Scott Semple. (Strom, Steven) (Entered: 12/11/2018)</p>
12/11/2018	29	<p>Memorandum in Opposition re 24 MOTION for Joinder re 23 MOTION to Amend/Correct 1 Complaint filed by Robert Barfield filed by Scott Semple. (Attachments: # 1 Exhibit A)(Strom, Steven) (Entered: 12/11/2018)</p>
12/18/2018	30	<p>For the reasons set forth in the attached, the 23 motion to amend and the 24 motion for joinder are hereby GRANTED. As such, the 13 motion to strike and the 14 motion to dismiss are DENIED AS MOOT.</p> <p>Signed by Judge Michael P. Shea on 12/18/2018. (Ram, Megha) (Entered: 12/18/2018)</p>
12/20/2018	31	<p>AMENDED COMPLAINT against Scott Semple, filed by Robert Barfield.(Krayeske, Kenneth) (Entered: 12/20/2018)</p>

12/20/2018	32	MOTION to Certify Class by Robert Barfield.Responses due by 1/10/2019 (Attachments: # 1 Memorandum in Support of motion for Class Certification, # 2 Exhibit 1-8 in support of Class Certification)(Krayeske, Kenneth) (Entered: 12/20/2018)
12/21/2018	33	ORDER: The Plaintiffs filed an 31 amended complaint on the docket. The document appears to be the same as the 1 initial complaint instead of the [23-1] proposed amended complaint. It therefore does not appear to be the operative complaint. The Plaintiffs shall file the [23-1] amended complaint separately as the "Corrected First Amended Complaint." Once the correct version of the complaint is docketed, Defendants shall have 14 days to respond pursuant to Fed. R. Civ. P. 15(a)(3). Signed by Judge Michael P. Shea on 12/21/2018. (Ram, Megha) (Entered: 12/21/2018)
12/21/2018	34	ORDER: The Plaintiffs filed a 32 motion to certify class. Pursuant to the Court's 26 scheduling order, the Plaintiffs may file a supplemental brief on class certification of no more than 25 pages by May 15, 2019. The Defendant shall file any brief in opposition to class certification by June 6, 2019. The Plaintiffs may file a reply by June 20, 2019. Signed by Judge Michael P. Shea on 12/21/2018. (Ram, Megha) (Entered: 12/21/2018)
12/21/2018	35	AMENDED COMPLAINT <i>Corrceted First Amended Complaint</i> against Scott Semple, filed by Robert Barfield. (Attachments: # 1 Exhibit 1 - Policy G 2.04)(Krayeske, Kenneth) (Entered: 12/21/2018)
12/21/2018		Set Deadlines as to 32 MOTION to Certify Class . Supplemental brief due by 5/15/2019; Opposition due by 6/6/2019; Reply due by 6/20/2019 (Johnson, D.) (Entered: 12/28/2018)
01/04/2019	36	Supplemental MOTION to Dismiss <i>Memorandum of Law</i> by Scott Semple.Responses due by 1/25/2019 (O'Neill, Terrence) (Entered: 01/04/2019)
01/21/2019	37	MOTION for Extension of Time to File Response/Reply as to 36 Supplemental MOTION to Dismiss <i>Memorandum of Law</i> until February 24, 2019 by Robert Barfield. (Krayeske, Kenneth) (Entered: 01/21/2019)
01/22/2019	38	ORDER: The 37 motion for extension of time is GRANTED. The Plaintiff's response to the 36 motion to dismiss shall be due by February 24, 2019.

		Signed by Judge Michael P. Shea on 1/22/2019. (Ram, Megha) (Entered: 01/22/2019)
01/22/2019		Reset Deadlines as to 36 Supplemental MOTION to Dismiss <i>Memorandum of Law</i> . Responses due by 2/24/2019 (Johnson, D.) (Entered: 01/23/2019)
01/31/2019	39	Consent MOTION for Extension of Time until March 11, 2019 and March 25, 2019 to send defendants objections and/or initial responses to plaintiff's counsel with regard to the first set of requests for production and first set of interrogatories and to file responses to the same first set of requests for production and interrogatories by Scott Semple. (Strom, Steven) (Entered: 01/31/2019)
02/01/2019	40	ORDER: The 39 consent motion for extension is GRANTED. The Defendant shall send objections and/or initial responses to Plaintiff's counsel with regard to the first set for requests for production and first set of interrogatories by March 11, 2019. The Defendant shall file responses to the same set of requests for production and interrogatories by March 25, 2019. Signed by Judge Michael P. Shea on 2/1/2019. (Ram, Megha) (Entered: 02/01/2019)
02/19/2019	41	Joint STATUS REPORT by Robert Barfield. (Krayeske, Kenneth) (Entered: 02/19/2019)
02/20/2019	42	ORDER: In light of the 41 joint status report, the telephonic status conference set for February 25, 2019 is hereby CANCELLED. Signed by Judge Michael P. Shea on 2/20/2019. (Ram, Megha) (Entered: 02/20/2019)
02/25/2019	43	OBJECTION re 36 Supplemental MOTION to Dismiss <i>Memorandum of Law</i> filed by Robert Barfield. (Krayeske, Kenneth) (Entered: 02/25/2019)
03/26/2019	44	MOTION to Substitute Party by Robert Barfield. (Krayeske, Kenneth) (Entered: 03/26/2019)
03/27/2019	45	MOTION for Extension of Time of <i>various deadlines</i> 26 Order, by Robert Barfield. (Krayeske, Kenneth) (Entered: 03/27/2019)
04/02/2019	46	ORDER: The 45 motion is GRANTED IN PART and DENIED IN PART. The Court hereby sets the following deadlines:

		<p>First phase discovery: August 15, 2019 Plaintiff's expert report: May 15, 2019 Deposition of Plaintiff's expert: June 15, 2019 Plaintiff's damages analysis: May 15, 2019 Rebuttal by Defendant's expert: July 15, 2019 Deposition of Defendant's expert: August 15, 2019</p> <p>Given the length of these extensions, further extensions are unlikely to be granted.</p> <p>Signed by Judge Michael P. Shea on 4/2/2019. (Ram, Megha) (Entered: 04/02/2019)</p>
04/22/2019	47	NOTICE by Robert Barfield of <i>Supplemental Authority</i> (Attachments: # 1 Exhibit 1)(Krayeske, Kenneth) (Entered: 04/22/2019)
04/23/2019	48	ORDER: Absent objection, the 44 motion to substitute Rollin Cook as the official capacity representative for the Connecticut Department of Correction is GRANTED. The Clerk is instructed to update the case caption accordingly.
		Signed by Judge Michael P. Shea on 4/23/2019. (Ram, Megha) (Entered: 04/23/2019)
04/25/2019	49	NOTICE re Scott Semple terminated in error. Signed by Clerk on 4/25/19.(Johnson, D.) (Entered: 04/25/2019)
05/13/2019	50	Second NOTICE by Robert Barfield of <i>Supplemental Authority</i> (Attachments: # 1 Exhibit 1 Order, # 2 Exhibit 2 Approval, # 3 Exhibit 3 Memorandum)(Krayeske, Kenneth) (Entered: 05/13/2019)
05/15/2019	51	Memorandum in Support re 32 MOTION to Certify Class <i>Supplemental Brief</i> filed by Robert Barfield. (Attachments: # 1 Exhibit 1 - Dr. Kim's Declaration, # 2 Exhibit 2 - HepCURB Minutes, # 3 Exhibit 3 - G 2.04 and revisions, # 4 Exhibit 4 - MN 204 Oral Arguments, # 5 Exhibit 5 - Documents for 68 of Dr. Kim, # 6 Exhibit 6 - Newspaper Case, # 7 Exhibit 7 - Defendant's Interrogatory Responses, # 8 Exhibit 8 - Sub HB 6546, # 9 Exhibit 9 - OFA Fiscal Note, # 10 Exhibit 10 - Study at NHCC, # 11 Exhibit 11 - February 2016 email, # 12 Exhibit 12 - November 2016 Spreadsheet, # 13 Exhibit 13 - Atty Strom Email, # 14 Exhibit 14 - Consent Form and G 2.04 comments)(Krayeske, Kenneth) (Entered: 05/15/2019)
06/06/2019	52	Memorandum in Opposition re 32 MOTION to Certify Class filed by Rollin Cook, Scott Semple. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4)(Davis, Thomas) (Entered: 06/06/2019)

06/20/2019	53	REPLY to Response to 32 MOTION to Certify Class filed by Robert Barfield. (Attachments: # 1 Exhibit 15 - Emails, # 2 Exhibit 16 - Dr. Pino Testimony, # 3 Exhibit 17 - Semple Letter, # 4 Exhibit 18 - Impact Fund Article)(Krayeske, Kenneth) (Entered: 06/20/2019)
07/10/2019	54	REPLY to Response to 32 MOTION to Certify Class <i>Second - Supplemental Response</i> filed by Robert Barfield. (Attachments: # 1 Exhibit 19 - Dr. Kim Deposition Excerpts)(Krayeske, Kenneth) (Entered: 07/10/2019)
07/15/2019	55	MOTION for Preliminary Injunction by Robert Barfield.Responses due by 8/5/2019 (Attachments: # 1 Memorandum in Support, # 2 Exhibit 1 - SEIU Transcript)(Krayeske, Kenneth) (Entered: 07/15/2019)
07/15/2019	56	NOTICE OF COMPLIANCE WITH PRETRIAL ORDER by Rollin Cook, Scott Semple re 46 Order on Motion for Extension of Time,, <i>DEFENDANTS' EXPERT REPORT</i> (Strom, Steven) (Entered: 07/15/2019)
07/19/2019	57	NOTICE of Appearance by Steven R. Strom on behalf of Rollin Cook (Strom, Steven) (Entered: 07/19/2019)
07/19/2019	58	MOTION for Extension of Time until September 5, 2019 to file the defendant's opposition to plaintiffs' motion for a preliminary injunction 55 MOTION for Preliminary Injunction by Rollin Cook, Scott Semple. (Strom, Steven) (Entered: 07/19/2019)
07/22/2019	59	ORDER: The 58 motion for extension is GRANTED. Defendants shall have until September 5, 2019 to file a response to the 55 motion for preliminary injunction. Signed by Judge Michael P. Shea on 7/22/2019. (Ram, Megha) (Entered: 07/22/2019)
07/23/2019		Set Deadlines as to 55 MOTION for Preliminary Injunction. Responses due by 9/5/2019. (Peterson, M) (Entered: 07/23/2019)
08/06/2019	60	ORDER: For the reasons discussed in the attached, all claims brought by Plaintiff Davis and all claims concerning opt-out testing and identification of prisoners with HCV are DISMISSED for lack of standing; and the Defendants' motion to dismiss is GRANTED as to the Eighth Amendment claim against Semple in his individual capacity, GRANTED as to the Americans with Disabilities Act and Rehabilitation Act claims, and DENIED as to the Eighth Amendment claim against Cook in his official capacity.

		Signed by Judge Michael P. Shea on 8/6/2019. (Ram, Megha) (Entered: 08/06/2019)
08/06/2019	61	<p>ORDER: For the reasons discussed in the attached, the 32 motion for class certification is GRANTED to the extent set forth in this ruling. Accordingly, the Court orders as follows:</p> <p>First, the following class is certified: All sentenced persons (1) who have been or will be diagnosed with chronic Hepatitis C; (2) who are or will be in the custody of the Connecticut Department of Corrections; and (3) who have at least sixteen weeks remaining to serve on their sentences.</p> <p>Second, Robert Barfield, John Knapp, Darnell Tatem, and Jason Barberi are appointed as class representatives.</p> <p>Third, Attorneys Kenneth J Krayeske and DeVaughn L. Ward are appointed as class counsel.</p> <p>Signed by Judge Michael P. Shea on 8/6/2019. (Ram, Megha) (Entered: 08/06/2019)</p>
08/20/2019	62	ANSWER to 35 Amended Complaint with Affirmative Defenses. by Rollin Cook.(Strom, Steven) (Entered: 08/20/2019)
08/21/2019	63	NOTICE of Appearance by Terrence M. O'Neill on behalf of Rollin Cook (O'Neill, Terrence) (Entered: 08/21/2019)
09/05/2019	64	Memorandum in Opposition re 55 MOTION for Preliminary Injunction filed by Rollin Cook. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6)(Strom, Steven) (Entered: 09/05/2019)
09/05/2019	65	Memorandum in Support re 55 MOTION for Preliminary Injunction filed by Rollin Cook. (Strom, Steven) (Entered: 09/05/2019)
09/05/2019	66	MOTION Evidentiary Hearing re 65 Memorandum in Support of Motion by Rollin Cook.Responses due by 9/26/2019 (Strom, Steven) (Entered: 09/05/2019)
09/11/2019	67	MOTION for to Remove Confidential Designation from Deposition Transcript and Exhibits of Dr. Chad Zawitz Order by Robert Barfield. (Attachments: # 1 Memorandum in Support of Motion for Order to Remove Confidential Designation, # 2 Exhibit One Redacted - Deposition Transcript of Dr. Chad Zawitz, # 3 Exhibit 2 - Email from September 10, 2019, # 4 Exhibit 3 - Email from April 4, 2019, # 5 Exhibit 4 - Letter from April 12, 2019)(Krayeske, Kenneth) (Entered: 09/11/2019)

09/11/2019	68	MOTION to Seal Unredacted Memorandum of Law in Support of Motion for Order to Remove Confidential Designation and Exhibit of Deposition Transcript by Robert Barfield. (Attachments: # 1 Memorandum in Support Of Motion to Seal, # 2 Text of Proposed Order To Seal)(Krayeske, Kenneth) (Entered: 09/11/2019)
09/11/2019	69	SEALED MOTION <i>Unredacted</i> Memorandum in Support of Motion for Order to Remove Confidential Designation and Exhibit 1, Deposition Transcript of Dr. Chad Zawitz by Robert Barfield. (Attachments: # 1 Exhibit 1 Dr. Chad Zawitz Deposition)(Krayeske, Kenneth) (Entered: 09/11/2019)
09/11/2019	70	MOTION for Extension of Time until December 19, 2019 to Reply to 64 Memorandum in Opposition to Motion by Robert Barfield. (Krayeske, Kenneth) (Entered: 09/11/2019)
09/12/2019	71	<p>ORDER: The Court hereby schedules an in-court conference for October 24, 2019 at 10am. This will not be an evidentiary hearing on the pending motion for preliminary injunction. Rather, the parties shall be prepared to discuss (1) legal issues with respect to the preliminary injunction, (2) the extent and nature of any evidentiary hearing needed, including the number and identities of witnesses expected to testify and the amount of time needed to present the evidence; (3) whether they would be interested in a referral to a Magistrate Judge for settlement purposes; and (4) the sealing issues raised in Plaintiffs' 67 and 68 motions.</p> <p>In addition, the Plaintiffs' 70 motion for extension is GRANTED IN PART and DENIED IN PART. Plaintiffs shall have until October 31, 2019 to file a reply. The Court will address the Plaintiffs' requests to file a 25-page reply brief and add to the record at the October 24, 2019 conference.</p> <p>Finally, the Plaintiffs' 69 memorandum of law should have been filed as a sealed document and not as a sealed motion. The Clerk shall re-docket the 69 filing as a sealed document.</p> <p>Signed by Judge Michael P. Shea on 9/12/2019. (Ram, Megha) (Entered: 09/12/2019)</p>
09/12/2019	72	Sealed Document: <i>Unredacted</i> Memorandum in Support of Motion for Order to Remove Confidential Designation and Exhibit 1, Deposition Transcript of Dr. Chad Zawitz by Robert Barfield. (Attachments: # 1 Exhibit 1 Dr. Chad Zawitz Deposition) (Peterson, M) (Entered: 09/12/2019)

09/12/2019		Set Deadlines/Hearings: Status Conference set for 10/24/2019 10:00 AM in Courtroom Two, 450 Main St., Hartford, CT before Judge Michael P. Shea (Johnson, D.) (Entered: 09/12/2019)
09/12/2019		Set Deadlines as to 55 MOTION for Preliminary Injunction . Responses due by 10/31/2019 (Johnson, D.) (Entered: 09/12/2019)
09/26/2019	73	Consent RESPONSE re 66 MOTION Evidentiary Hearing re 65 Memorandum in Support of Motion filed by Robert Barfield. (Krayeske, Kenneth) (Entered: 09/26/2019)
10/10/2019	74	MOTION for Issuance of Habeas for Court Appearance Order by Robert Barfield. (Krayeske, Kenneth) (Entered: 10/10/2019)
10/11/2019	75	Memorandum in Opposition re 74 MOTION for Issuance of Habeas for Court Appearance Order filed by Rollin Cook. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Strom, Steven) (Entered: 10/11/2019)
10/21/2019	76	ORDER: Plaintiff's motion 74 requesting that the court issue a writ of habeas corpus to have the Connecticut Department of Correction transport Mr. Barfield to district court to attend the 10/24/19 conference is DENIED. The conference will not be long and will be limited to a discussion of legal and scheduling issues. This does not warrant the expense and burden of transporting one of the several plaintiffs to the conference. Signed by Judge Michael P. Shea on 10/21/19. (Constantine, A.) (Entered: 10/21/2019)
10/24/2019	77	ORDER: As stated by the Court on the record during a status conference on 10/24/19, the court enters the following orders: The motion for preliminary injunction 55 is withdrawn at the request of the moving party. The defendant's motion for an evidentiary hearing 65 is denied as moot. The plaintiffs' motion to remove confidential designation 67 is granted for the reasons stated during the status conference. The plaintiffs' motion to seal 68 is denied as moot in light of the court's ruling on ECF 67. Signed by Judge Michael P. Shea on 10/24/2019. (Constantine, A.) (Entered: 10/24/2019)

10/24/2019	78	Minute Entry for proceedings held before Judge Michael P. Shea: Status Conference held on 10/24/2019. Motion Hearing held on 10/24/2019 re 55 MOTION for Preliminary Injunction filed by Robert Barfield, 66 MOTION Evidentiary Hearing re 65 Memorandum in Support of Motion filed by Rollin Cook, 67 MOTION for to Remove Confidential Designation from Deposition Transcript and Exhibits of Dr. Chad Zawitz Order filed by Robert Barfield, 68 MOTION to Seal Unredacted Memorandum of Law in Support of Motion for Order to Remove Confidential Designation and Exhibit of Deposition Transcript filed by Robert Barfield, 38 minutes(Court Reporter J. Monette.) (Johnson, D.) (Entered: 10/25/2019)
10/25/2019	79	ORDER REFERRING CASE to Magistrate Judge Sarah A. L. Merriam for settlement conference. Signed by Judge Michael P. Shea on 10/25/2019.(Constantine, A.) (Entered: 10/25/2019)
10/25/2019	80	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. Telephonic Scheduling Conference set for November 1, 2019, at 10:00 a.m., before Judge Sarah A. L. Merriam. This case has been referred to Judge Merriam for a settlement conference. She will hold a pre-conference telephone call with counsel on November 1, 2019, at 10:00 a.m. A firm date for the settlement conference will be set during that telephone call. The Court requires all named parties and any other persons necessary to achieve full settlement (such as insurance representatives) to attend the settlement conference in person. Therefore, counsel must consult with their clients and other necessary parties prior to the telephone call to determine any dates on which they will be unavailable in the next 180 days. Counsel should also have their own calendars available to facilitate scheduling. During the telephone call, counsel should be prepared to discuss what information needs to be exchanged and anything else that needs to be accomplished prior to the settlement conference for the conference to be productive. Please use the following dial-in for this call: (888)278-0296; Access Code: 2280867. (Spangenburg, S.) (Entered: 10/25/2019)
10/25/2019	81	ORDER : Counsel shall meet and confer regarding a proposed schedule for further proceedings and shall file a joint proposal 14 days after completion of the mediation. Signed by Judge Michael P. Shea on 10/25/2019.(Constantine, A.) (Entered: 10/25/2019)

11/01/2019	82	Minute Entry for proceedings held before Judge Sarah A. L. Merriam: Pre-Settlement Telephonic Scheduling Conference held on 11/1/2019. A settlement conference has been scheduled for Thursday, December 19, 2019, at 9:30 a.m. A separate calendar and settlement conference order will issue. 10 minutes. (Spangenburg, S.) (Entered: 11/01/2019)
11/01/2019	83	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. Settlement Conference set for 12/19/2019 at 9:30 a.m. in Courtroom Four, 141 Church Street, New Haven, CT before Judge Sarah A. L. Merriam. The plaintiff will be ordered produced at 9:00 a.m. on the day of the conference, to permit plaintiff's counsel to meet with him before the conference. (Spangenburg, S.) (Entered: 11/01/2019)
11/01/2019	84	ORDER. The attached Order sets forth detailed instructions and deadlines for a settlement conference scheduled in this case. All counsel must read the attached Order and provide a copy to their clients. Compliance with all deadlines and conditions set forth in the Order is mandatory . Signed by Judge Sarah A. L. Merriam on 11/1/2019. (Spangenburg, S.) (Entered: 11/01/2019)
11/08/2019	85	TRANSCRIPT of Proceedings: Type of Hearing: Status Conference held on 10-24-2019 before Judge Michael P. Shea. Court Reporter: Julie Monette. IMPORTANT NOTICE - REDACTION OF TRANSCRIPTS: To remove personal identifier information from the transcript, a party must electronically file a Notice of Intent to Request Redaction with the Clerk's Office within seven (7) calendar days of this date. If no such Notice is filed, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available through PACER without redaction 90 days from today's date. The transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. The policy governing the redaction of personal information is located on the court website at www.ctd.uscourts.gov . Redaction Request due 11/29/2019. Redacted Transcript Deadline set for 12/9/2019. Release of Transcript Restriction set for 2/6/2020. (Monette, Julie) (Entered: 11/08/2019)
12/03/2019	86	ORDER. The operative complaint in this matter, Doc. # 35 , names in the caption only one defendant: former Commissioner Scott Semple, "in his official capacity As Commissioner of the Connecticut Department of Correction[.]" Doc. # 35 at 1. On March 26, 2019, plaintiffs filed a motion to substitute the new Commissioner, Rollin Cook, stating that

		<p>Cook "now should be the official capacity representative for the Department of Correction in this case." Doc. # 44 at 1-2. Defendant Cook filed an Answer and Affirmative Defenses on August 20, 2019. <u>See</u> Doc. # 62 . No answer was filed on behalf of Scott Semple, and no motion for default was filed by plaintiffs.</p> <p>Since the motion to substitute party was granted, each submission by plaintiffs has named in its caption only Rollin Cook as a defendant. <u>See, e.g.</u>, Doc. # 50 , Doc. # 55 , Doc. # 70 , Doc. # 74 . It thus appears that the sole defendant in this matter is Commissioner Rollin Cook, in his official capacity. However, Scott Semple has not been terminated as a party in the docket.</p> <p>In order to prepare for the settlement conference scheduled for December 19, 2019, the Court must confirm whether the parties believe that Scott Semple remains a defendant in this case, in any capacity. Accordingly, counsel shall file a joint notice on the docket on or before December 6, 2019, clarifying for the record the defendant(s) in this case. It is so ordered.</p> <p>Signed by Judge Sarah A. L. Merriam on 12/3/2019. (Spangenburg, S.) (Entered: 12/03/2019)</p>
12/04/2019	87	<p>ORDER vacating Doc. #86. Scott Semple was dismissed as a defendant in his individual capacity in the ruling on the Motion to Dismiss (Doc. # 60). Accordingly, only Commissioner Cook, in his official capacity, remains a defendant, and only Commissioner Cook or his representative will need to participate in the settlement conference. It is so ordered.</p> <p>Signed by Judge Sarah A. L. Merriam on 12/4/2019. (Spangenburg, S.) (Entered: 12/04/2019)</p>
12/04/2019	88	<p>Writ of Habeas Corpus ad Testificandum Issued as to Robert Barfield for 12/19/2019 at 9:00AM. Original writ handed to USM for service. (Caffrey, A.) (Entered: 12/04/2019)</p>
12/05/2019	89	<p>ORDER: A settlement conference is scheduled for Thursday, December 19, 2019, at 9:30 a.m. A Settlement Conference Order entered on November 1, 2019 (Doc. # 84), setting mandatory pre-conference and settlement conference requirements and interim deadlines. These deadlines, including the deadline for submission of <u>ex parte</u> statements, are set forth in detail in the Order. The parties are reminded that compliance with the Order is mandatory. Signed by Judge Sarah A. L. Merriam on 12/5/2019. (Spangenburg, S.) (Entered: 12/05/2019)</p>
12/19/2019	90	<p>ORDER. The parties shall submit separate settlement reports to the Court at SALM_settlement@ctd.uscourts.gov on or before January 10, 2020. These reports will be confidential. The parties have been provided</p>

		instructions for the content of these reports. It is so ordered. Signed by Judge Sarah A. L. Merriam on 12/19/2019. (Spangenburg, S.) (Entered: 12/19/2019)
12/19/2019	91	Minute Entry for proceedings held before Judge Sarah A. L. Merriam: Settlement Conference held on 12/19/2019. (On the record: 14 minutes; Total time: 3 hrs and 20 mins)(Court Reporter FTR - CR4.) (Caffrey, A.) (Entered: 12/20/2019)
12/22/2019	92	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. Settlement Conference set for 1/31/2020 from 2:00 p.m. to 4:00 p.m. in Courtroom Four, 141 Church Street, New Haven, CT before Judge Sarah A. L. Merriam. The class representative need not be present for this conference. (Spangenburg, S.) (Entered: 12/22/2019)
01/06/2020	93	ORDER: A settlement conference is scheduled for Friday, January 31, 2020, from 2:00 p.m. to 4:00 p.m. A Settlement Conference calendar entered on December 22, 2019, (Doc. #92). The parties have been directed to submit supplemental settlement reports to the Court by January 10, 2020 . As a reminder, the class representative need not be present for this conference. It is so ordered. Signed by Judge Sarah A. L. Merriam on 1/6/2020. (Spangenburg, S.) (Entered: 01/06/2020)
01/09/2020	94	TRANSCRIPT of Proceedings: Type of Hearing: Settlement Conference. Held on December 19, 2019 before Judge Sarah A. L. Merriam. Court Reporter: Transcriber - Martha Marshall. IMPORTANT NOTICE - REDACTION OF TRANSCRIPTS: To remove personal identifier information from the transcript, a party must electronically file a Notice of Intent to Request Redaction with the Clerk's Office within seven (7) calendar days of this date. If no such Notice is filed, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available through PACER without redaction 90 days from today's date. The transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. The policy governing the redaction of personal information is located on the court website at www.ctd.uscourts.gov . Redaction Request due 1/30/2020. Redacted Transcript Deadline set for 2/9/2020. Release of Transcript Restriction set for 4/8/2020. (Marshall, Martha) (Entered: 01/09/2020)
01/21/2020	95	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. Telephonic <u>Ex Parte</u> Settlement Conference with plaintiff's counsel set

		for Monday, January 27, 2020, at 3:00 p.m. before Judge Sarah A. L. Merriam. (Spangenburg, S.) (Entered: 01/21/2020)
01/27/2020	97	Minute Entry for proceedings held before Judge Sarah A. L. Merriam: Telephonic <u>Ex Parte</u> Settlement Conference with plaintiff's counsel held on January 27, 2020. Total time: 25 minutes. (Spangenburg, S.) (Entered: 01/31/2020)
01/31/2020	96	Minute Entry for proceedings held before Judge Sarah A. L. Merriam: Settlement Conference held on January 31, 2020. Total Time: 2 hours and 10 minutes. (Spangenburg, S.) (Entered: 01/31/2020)
02/21/2020	98	Minute Entry for proceedings held before Judge Sarah A. L. Merriam: Telephonic <u>Ex Parte</u> Settlement Conference with defense counsel held on 2/21/2020. Total time: 10 minutes. (Spangenburg, S.) (Entered: 02/21/2020)
02/21/2020	99	Minute Entry for proceedings held before Judge Sarah A. L. Merriam: Telephonic <u>Ex Parte</u> Settlement Conference with plaintiff's counsel held on 2/21/2020. Total time: 10 minutes. (Spangenburg, S.) (Entered: 02/21/2020)
02/21/2020	100	Minute Entry for proceedings held before Judge Sarah A. L. Merriam: Telephonic <u>Ex Parte</u> Settlement Conference with defense counsel held on 2/21/2020. Total time: 10 minutes. (Spangenburg, S.) (Entered: 02/21/2020)
03/18/2020	101	Minute Entry for proceedings held before Judge Sarah A. L. Merriam: Telephonic <u>Ex Parte</u> Settlement Conference with plaintiff's counsel held on 3/18/2020. Total time: 10 minutes. (Spangenburg, S.) (Entered: 03/18/2020)
03/18/2020	102	Minute Entry for proceedings held before Judge Sarah A. L. Merriam: Telephonic <u>Ex Parte</u> Settlement Conference with defense counsel held on 3/18/2020. Total time: 15 minutes. (Spangenburg, S.) (Entered: 03/18/2020)
03/18/2020	103	Minute Entry for proceedings held before Judge Sarah A. L. Merriam: Telephonic <u>Ex Parte</u> Settlement Conference with plaintiff's counsel held on 3/18/2020. Total time: 5 minutes. (Spangenburg, S.) (Entered: 03/18/2020)
03/27/2020	104	Minute Entry for proceedings held before Judge Sarah A. L. Merriam: Telephonic <u>Ex Parte</u> Settlement Conference with plaintiff's counsel held on 3/27/2020. Total time: 10 minutes. (Spangenburg, S.) (Entered: 03/27/2020)

03/27/2020	105	Minute Entry for proceedings held before Judge Sarah A. L. Merriam: Telephonic <u>Ex Parte</u> Settlement Conference with defense counsel held on 3/27/2020. Total time: 15 minutes. (Spangenburg, S.) (Entered: 03/27/2020)
04/01/2020	106	NOTICE of Settlement by Rollin Cook, Scott Semple (Attachments: # 1 Exhibit PROPOSED SETTLEMENT AGREEMENT AND RELEASE)(Strom, Steven) (Entered: 04/01/2020)
04/02/2020	107	ORDER: Within 14 days of this order, the parties shall confer and jointly file a proposed schedule for taking the steps necessary to prepare this matter for a fairness hearing, including the steps outlined in Section J of the Proposed Settlement Agreement. Signed by Judge Michael P. Shea on 4/2/20. (Constantine, A.) (Entered: 04/02/2020)
04/15/2020	108	Consent MOTION for Extension of Time until April 30, 2020 to jointly file a proposed schedule for taking the steps necessary to prepare this matter for a fairness hearing 107 Order, by Rollin Cook. (Strom, Steven) (Entered: 04/15/2020)
04/16/2020	109	ORDER: The consent motion for an extension of time (ECF No. 108) is granted. The parties' joint response (see ECF No. 107) shall be filed by April 30, 2020. Signed by Judge Michael P. Shea on 4/16/20. (Constantine, A.) (Entered: 04/16/2020)
04/27/2020	110	Joint RESPONSE re 107 Order, <i>JOINT SCHEDULE FOR TAKING STEPS NECESSARY TO PREPARE FOR A FAIRNESS HEARING</i> filed by Rollin Cook. (Strom, Steven) (Entered: 04/27/2020)
04/28/2020	111	ORDER : The parties' proposed joint schedule (ECF No. 110) is approved. By April 30, 2020, the parties shall file a joint motion to amend the class definition and a proposed "Notice to the Class of Settlement Agreement." (Although counsel indicates this was submitted, it was not attached to their submission.) By no later than 30 days after the General Assembly approves the Settlement Agreement, the defendant shall commence giving Notice to the Class for a period of thirty days. All comments and objections shall be sent to Plaintiffs' counsel no later than 60 days after approval of the Settlement Agreement by the General Assembly. Signed by Judge Michael P. Shea on 4/28/2020. (Constantine, A.) (Entered: 04/28/2020)

04/29/2020	112	Joint MOTION JOINT MOTION FOR APPROVAL OF NOTICE TO THE CLASS re 111 Order,, by Rollin Cook.Responses due by 5/20/2020 (Strom, Steven) (Entered: 04/29/2020)
04/29/2020	113	Joint MOTION to Amend/Correct 61 Order on Motion to Certify Class,,, <i>JOINT MOTION TO AMEND CLASS DEFINITION</i> by Rollin Cook.Responses due by 5/20/2020 (Strom, Steven) (Entered: 04/29/2020)
06/02/2020	114	ORDER: The joint motion for approval of notice (ECF No. 112) is GRANTED. Counsel shall confer and attempt to agree as to an appropriate start date for the notice to begin within the next 60 days, shall fill in appropriate dates in the blanks in the notice, and shall file the completed notice, with an indication of the start date, on the docket. In addition, the joint motion to amend the class definition is GRANTED (ECF No. 113). The class is defined as set forth in that motion. Signed by Judge Michael P. Shea on 6/2/20. (Constantine, A.) (Entered: 06/02/2020)
08/03/2020	115	MOTION to Substitute Party by Robert Barfield. (Krayeske, Kenneth) (Entered: 08/03/2020)
08/03/2020	116	MOTION for Extension of Time until September 17, 2020 <i>for parties to confer and</i> Issue a Schedule for Dissemination of Notice 114 Order on Motion for Miscellaneous Relief,,, Order on Motion to Amend/Correct,, by Robert Barfield. (Krayeske, Kenneth) (Entered: 08/03/2020)
08/04/2020	117	ORDER: The plaintiff's motion 115 to substitute party is granted. The Clerk of the Court is directed to substitute Angel Quiros, the interim commissioner of the Connecticut Department of Correction, as the Defendant. The plaintiff's motion 116 for an extension of time until September 17, 2020 for the parties to meet and confer on setting a schedule is granted. Signed by Judge Michael P. Shea on 8/4/20. (Constantine, A.) (Entered: 08/04/2020)
09/17/2020	118	MOTION for Extension of Time until January 15, 2021 to meet and confer on class notice by Robert Barfield. (Krayeske, Kenneth) (Entered: 09/17/2020)
09/22/2020	119	ORDER: The Plaintiff's motion for extension of time (ECF No. 118) in which he requests a "scheduling conference" is referred to Judge Merriam.

		Signed by Judge Michael P. Shea on 9/22/2020. (Constantine, A.) (Entered: 09/22/2020)
09/22/2020	120	ORDER REFERRING CASE to Magistrate Judge Sarah A. L. Merriam for Motion including 118 MOTION for Extension of Time until January 15, 2021 to meet and confer on class notice Signed by Judge Michael P. Shea on 9/22/20. Motions referred to Sarah A. L. Merriam (Johnson, D.) (Entered: 09/23/2020)
09/23/2020	121	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. Telephonic Conference regarding plaintiff's Motion for Extension of Time (Doc. # 18) set for September 30, 2020, at 2:00 PM, before Judge Sarah A. L. Merriam. Please use the following dial-in for this call: (888)278-0296; Access Code: 2280867. (Weis, Anne) (Entered: 09/23/2020)
09/24/2020	122	Consent MOTION to Continue <i>Telephonic Conference with Judge Merriam</i> by Angel Quiros. (Strom, Steven) (Entered: 09/24/2020)
09/24/2020	123	ORDER granting 122 Consent Motion to Continue Telephonic Conference with Judge Merriam. The telephonic conference will be rescheduled to Friday, October 2, 2020, at 2:00PM . A separate calendar will enter. Counsel should be prepared to discuss the substantive issues raised in plaintiff's Motion for Extension of Time (Doc. # 118). In particular, the Court will expect counsel to address how the continued delay in review of the settlement by the legislature affects the terms of the settlement agreement itself. As the parties are aware, the settlement agreement calls for periodic reports to the Court regarding Hepatitis C testing and treatment in DOC facilities. See Doc. # 106 -1 at 4. These reporting requirements are set to begin 45 days after approval of the settlement agreement, and expire in June 2021. See <i>id.</i> As a practical matter, continued delays in approval of the settlement agreement could render the reporting requirements almost meaningless. The parties should be prepared to discuss these issues, and whether the deadlines set out in the agreement can and should be amended, given the circumstances. It is so ordered. Signed by Judge Sarah A. L. Merriam on 9/24/2020. (Weis, Anne) (Entered: 09/24/2020)
09/24/2020	124	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. <i>RESET FROM September 30 at 2:00PM</i> . Telephonic Conference on the record regarding plaintiff's Motion for Extension of Time (Doc. # 118) set for October 2, 2020, at 2:00 PM, before Judge Sarah A. L. Merriam. Please use the following

		dial-in for this call: (888)278-0296; Access Code: 2280867. (Weis, Anne) (Entered: 09/24/2020)
10/02/2020	125	Minute Entry. Proceedings held before Judge Sarah A. L. Merriam: granting 118 Motion for Extension of Time ; Status Conference held on 10/2/2020; Motion Hearing held on 10/2/2020 re 118 MOTION for Extension of Time until January 15, 2021 to meet and confer on class notice filed by Robert Barfield. Motion for Extension of Time granted until February 17, 2021. 17 minutes(Court Reporter ATT Recording.) (Caffrey, A.) (Entered: 10/02/2020)
10/02/2020	126	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. Settlement Conference set for Friday, October 23, 2020, from 9:30AM to 12:30PM before Judge Sarah A. L. Merriam. This settlement conference will be conducted by video conference through Zoom. The Zoom meeting information will be emailed to counsel in advance of the conference. (Katz, S.) (Entered: 10/02/2020)
10/02/2020	127	ORDER. To help facilitate the productivity of the October 23, 2020, settlement conference, the parties shall immediately commence informal settlement discussions. On or before October 14, 2020 , the parties shall exchange detailed information concerning their respective positions. On or before the close of business on October 20, 2020 , each party shall provide the undersigned with an <u>ex parte</u> update on the parties' discussions, including what information and proposals have been shared with the opposing party. The parties should email their updates separately to: SALM_settlement@ctd.uscourts.gov. It is so ordered. Signed by Judge Sarah A. L. Merriam on 10/2/2020. (Katz, S.) (Entered: 10/02/2020)
10/23/2020	128	Minute Entry for proceedings held before Judge Sarah A. L. Merriam: Settlement Conference held by video conference on 10/23/2020. Total Time: 2 hours and 56 minutes. (Weis, Anne) (Entered: 10/23/2020)
10/23/2020	129	ORDER. The Court conducted a settlement conference on October 23, 2020. All parties agree that additional information is necessary to confirm whether an amended settlement agreement will be reached. Counsel for defendants shall submit the information discussed in today's conference to SALM_settlement@ctd.uscourts.gov by Friday, October 30, 2020 . The Court will schedule follow-up discussions with counsel, to be conducted by phone or video, shortly thereafter. It is so ordered. Signed by Judge Sarah A. L. Merriam on 10/23/2020.(Weis, Anne) (Entered: 10/23/2020)

10/28/2020	130	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. Settlement Conference with counsel, to be conducted by telephone, set for Friday, November 6, 2020, at 9:30AM before Judge Sarah A. L. Merriam. Please use the following dial-in information: (888) 278-0296; Access Code 2280867. (Weis, Anne) (Entered: 10/28/2020)
11/06/2020	131	Minute Entry for proceedings held before Judge Sarah A. L. Merriam: Telephonic Settlement Conference with counsel held on 11/6/2020. Total Time: 12 minutes. (Weis, Anne) (Entered: 11/06/2020)
11/06/2020	132	ORDER. On October 2, 2020, this Court granted Doc. # 118 , plaintiff's Motion for Extension of Time, with the consent of defendants, extending the deadline for class notification to February 17, 2021. <i>See</i> Doc. # 125 . After further discussion with, and the consent of, counsel for all parties, the Court hereby extends that deadline to March 1, 2021 . The 30-day period for class notice described in the parties' Proposed Settlement Agreement shall commence March 1, 2021. It is so ordered. Signed by Judge Sarah A. L. Merriam on 11/6/2020.(Weis, Anne) (Entered: 11/06/2020)
11/06/2020	133	NOTICE of Settlement <i>PROPOSED AMENDED SETTLEMENT AGREEMENT AND RELEASE</i> by Angel Quiros (Strom, Steven) (Entered: 11/06/2020)
11/06/2020	134	Joint MOTION to Amend <i>CLASS DEFINITION</i> by Angel Quiros. Responses due by 11/27/2020 (Strom, Steven) Modified on 11/16/2020 to correct event and docket text (Peterson, M). (Entered: 11/06/2020)
11/16/2020	135	ORDER: The Joint Motion to Amend Class Definition (ECF No. 134) is granted. By November 30, 2020, the parties shall confer and jointly file a proposed schedule for taking the steps necessary to prepare this matter for a fairness hearing, including the steps outlined in Section J of the Proposed Settlement Agreement. Signed by Judge Michael P. Shea on 11/18/20. (Constantine, A.) (Entered: 11/16/2020)
11/30/2020	136	PROPOSED ORDER (<i>Joint</i>) for <i>Fairness Hearing Schedule</i> by Robert Barfield. (Krayeske, Kenneth) (Entered: 11/30/2020)
12/01/2020	137	ORDER: As set forth in the parties' Joint Proposed Scheduling Order (ECF No. 136), as soon as reasonably practicable after the opening of the legislative session, which is presently scheduled to be January 6, 2021 , the Attorney General shall submit the parties' Amended Settlement Agreement and General Release (ECF No. 133), pursuant to Conn. Gen.

		<p>Stat. § 3-125a, to the General Assembly for approval. As soon as reasonably practicable thereafter, if approved by the General Assembly, the parties shall submit to the Court an agreed upon Order for the giving of notice to the class, no later than February 17, 2021. Notice to the class shall be for a period of thirty days to commence March 1, 2021. Plaintiffs' counsel will assemble the responses from the class notice submitted during the period of notice and file a motion for a fairness hearing by May 1, 2021, seeking a date for the fairness hearing at the convenience of the Court, together with a summary of the responses and a memorandum of law seeking approval of the Amended Settlement and General Release as fair, reasonable and adequate. A date for a fairness hearing shall be set thereafter.</p> <p>Signed by Judge Michael P. Shea on 12/1/2020. (Constantine, A.) (Entered: 12/01/2020)</p>
12/31/2020	138	First STATUS REPORT <i>Pursuant To Amended Settlement Agreement</i> by Angel Quiros. (O'Neill, Terrence) (Entered: 12/31/2020)
12/31/2020	139	First STATUS REPORT <i>Pursuant To Settlement Agreement (Corrected)</i> by Angel Quiros. (O'Neill, Terrence) (Entered: 12/31/2020)
02/24/2021	140	MOTION for Hearing <i>on Fairness and to Approve Notice to Plaintiff Class</i> by Robert Barfield. (Attachments: # 1 Memorandum in Support Of Motion for Fairness Hearing and To Approve Class Notice, # 2 Exhibit 1 - Proposed Class Notice)(Krayeske, Kenneth) (Entered: 02/24/2021)
02/24/2021	141	Joint MOTION for <i>Order Directing Giving Notice to the Class Order</i> by Robert Barfield. (Attachments: # 1 Memorandum in Support for Order Directing Notice to the Class, # 2 Text of Proposed Order Directing Notice to the Class, # 3 Exhibit 1 - Proposed Class Notice)(Krayeske, Kenneth) (Entered: 02/24/2021)
03/02/2021	142	<p>ORDER : The Joint Motion for Approval of Class Notice (ECF No. 140) is granted. The Court approves the form and content of the proposed Settlement Notice attached as an exhibit to this order.</p> <p>The Joint Motion for Order Directing the Giving of Class Notice (ECF No. 141) is granted. The Court finds that distribution of the Class Notice in the manner and form set forth in ECF No. 141 is (1) is the best practicable notice; (2) is reasonably calculated, under the circumstances, to apprise Settlement Class Members of the pendency of the civil action and of their right to object to the proposed Settlement; and (3)</p>

		<p>isreasonable and constitutes due, adequate, and sufficient notice to all persons entitled to receive notice. The Court directs Class Counsel to disseminate the Settlement Notice to the ClassMembers in accordance with its proposal in ECF No. 141 . See attached order.</p> <p>Class members may submit written objections or comments to the settlement to the Plaintiffs' counsel as instructed in the Settlement Notice. Objections must be filed or received on or before April 8, 2021.</p> <p>The Joint Motion for Fairness Hearing (ECF No. 140) is GRANTED. A Fairness Hearing shall be held on May 17, 2021 at 2:00 pm in Courtroom 2 to determine all necessary matters concerning the Amended Settlement agreement, including whether the proposed Settlement of the Civil Action on the terms and conditions provided for in the Settlement Agreement is fair, adequate and reasonable and should be finally approved by the Court.</p> <p>Signed by Judge Michael P. Shea on 3/2/21. (Attachments: # 1 Exhibit) (Constantine, A.) (Entered: 03/02/2021)</p>
03/02/2021	143	<p>NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE.ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. Fairness Hearing set for 5/17/2021 02:00 PM in Courtroom Two, 450 Main St., Hartford, CT before Judge Michael P. Shea (Johnson, D.) (Entered: 03/03/2021)</p>
03/30/2021	144	<p>STATUS REPORT by Angel Quiros. (O'Neill, Terrence) (Entered: 03/30/2021)</p>
04/21/2021	145	<p>ORDER: Chambers received the attached letter from an inmate who might be in the class. The Court leaves it to Plaintiffs' counsel to make any response.</p> <p>Signed by Judge Michael P. Shea on 4/21/2021. (Constantine, A.) (Entered: 04/21/2021)</p>
04/30/2021	146	<p>STATUS REPORT <i>RE: NOTICE AT MACDOUGALL-WALKER CI</i> by Angel Quiros. (Strom, Steven) (Entered: 04/30/2021)</p>
04/30/2021	147	<p>Consent MOTION for Extension of Time until May 14, 2021 to Allow MacDougall-Walker CI Inmates to Comment and/or Object by Angel Quiros. (Strom, Steven) (Entered: 04/30/2021)</p>
04/30/2021	148	<p>Consent MOTION for Telephonic Status Conference Conference by Angel Quiros. (Strom, Steven) (Entered: 04/30/2021)</p>

04/30/2021	149	<p>ORDER: The motion for a telephonic conference (ECF No. 148) is granted. A telephonic status conference is scheduled for Monday, May 3, 2021 at 2:00 pm. Chambers will circulate dial in information.</p> <p>Signed by Judge Michael P. Shea on 4/30/21. (Constantine, A.) (Entered: 04/30/2021)</p>
04/30/2021		<p>Set Deadlines/Hearings: Telephonic Status Conference set for 5/3/2021 at 02:00 PM before Judge Michael P. Shea (Johnson, D.) (Entered: 05/03/2021)</p>
05/03/2021	150	<p>NOTICE by Robert Barfield <i>of Correspondence Relating to Proposed Settlement Agreement</i> (Attachments: # 1 Robert Lewis, # 2 Paul Zazzaro, # 3 Francis Anderson, # 4 Ralph Pierce, # 5 Jason Palomba, # 6 John Young, # 7 John Massaro, # 8 Richard Shenkman, # 9 Isaac Acevedo, # 10 Stephanie Farrar, # 11 Yvette Gonzalez, # 12 Jose Angel Rodriguez, # 13 Fernando Bosque, # 14 Earl Osborn, # 15 Luis Otero, # 16 Yolanda McDowell, # 17 Christopher Belcher, # 18 Joel Serrano, # 19 Carlton Wallace, # 20 Luis Acevedo, # 21 Derick Sarra, # 22 Anthony Bowder, # 23 Wilfredo Muniz, # 24 Henry Lorthe, # 25 Daniel Savage, # 26 Kenny Holley, Sr.)(Krayeske, Kenneth) (Entered: 05/03/2021)</p>
05/03/2021	151	<p>Consent MOTION for Settlement <i>Approval</i> by Robert Barfield. (Krayeske, Kenneth) (Entered: 05/03/2021)</p>
05/03/2021	152	<p>ORDER : As discussed during today's conference call, the consent motion (ECF No. 147) to extend the time until 5 pm May 14, 2021 for comments and/or objection for inmates incarcerated at McDougall-Walker Correctional Institution is GRANTED.</p> <p>Signed by Judge Michael P. Shea on 5/3/21. (Constantine, A.) (Entered: 05/03/2021)</p>
05/03/2021	153	<p>Minute Entry for proceedings held before Judge Michael P. Shea: Telephonic Status Conference held on 5/3/2021. 14 minutes(Court Reporter J. Monette.) (Johnson, D.) (Entered: 05/04/2021)</p>
05/06/2021	154	<p>MOTION for For Order Finding Compliance With the Order Giving Notice to the Class and For a Finding of Adequacy of the Notice Given Order by Angel Quiros. (Attachments: # 1 Memorandum in Support, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7, # 9 Exhibit 8, # 10 Exhibit 9, # 11 Exhibit 10, # 12 Exhibit 11, # 13 Exhibit 12, # 14 Exhibit 13, # 15 Exhibit 14, # 16 Exhibit 15, # 17 Exhibit 16)(Strom, Steven) (Entered: 05/06/2021)</p>

05/13/2021

NOTICE regarding Hybrid hearing.: The Fairness Hearing scheduled for May 17, 2021 at 2:00pm in courtroom 2 will be a Hybrid hearing.

The prosecutor, defense counsel, and the defendant, as well as the Judge, law clerk, court reporter and courtroom deputy will be in the courtroom. If the defendant is detained, the Marshals deputies and CSO will also be in the courtroom.

All persons in the courtroom must wear high-quality surgical or other masks (e.g., 3-ply or 4-ply surgical masks, N95 masks, KN95 masks, or KF94 masks) that cover the nose and mouth **at all times**. The Court has a limited supply of 3-ply masks for defendants or others who do not have one. All persons in the courtroom must sit at least 6-feet apart from each other at the locations indicated with tape by the counsel tables. Defense counsel may, temporarily and only as necessary, move closer to the defendant to speak privately. In addition, the lawyers and defendant will address the Court from their respective tables, and not from the podium. If the parties would like anyone to attend the proceeding in-person who is not specifically identified in this notice, they **MUST** seek and receive express permission from the Court before the hearing. Should defense counsel need time to confer with her or his client privately, the court will either suspend the hearing to accommodate such a request or make other arrangements to afford an opportunity for such communication. All others may join the proceeding via Zoom. No one else will be allowed in the courtroom without express authorization from the Court.

The video link is

<https://www.zoomgov.com/j/1615028304?pwd=cGpNU1pESEVSTWwvajRvdThWbTZydz09>

call in number is 1-646-828-7666.

Meeting ID: 161 502 8304

Meeting Password: 278534

Please note: Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, screenshots, streaming, and rebroadcasting in any form, of court proceedings. The Judicial Conference of the United States, which governs the practices of the federal courts, has prohibited it. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the court. (Johnson, D.)
(Entered: 05/13/2021)

05/13/2021	155	<p>NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE.ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. Fairness Hearing set for 5/17/2021 02:00 PM in Courtroom Two, 450 Main St., Hartford, CT before Judge Michael P. Shea.</p> <p>Join ZoomGov Meetinghttps://www.zoomgov.com/j/1615028304?pwd=cGpNU1pESEVSTWwwajRvdThWbTZydz09</p> <p>Meeting ID: 161 502 8304</p> <p>Passcode: 278534</p> <p>Call in number 646-828-7666 (Johnson, D.) (Entered: 05/13/2021)</p>
05/14/2021	156	<p>Second NOTICE by Robert Barfield re 150 Notice (Other),, <i>Correspondence Relating to Proposed Settlement Agreement</i> (Attachments: # 1 Luis Otero, # 2 Scott Pickles, # 3 Michael Tagourski, # 4 Felix Pagan, # 5 Thomas E. Walker, # 6 Keith Eric Anderson, # 7 Kevin Benefield, # 8 Jarrel Baker)(Krayeske, Kenneth) (Entered: 05/14/2021)</p>
05/14/2021	157	<p>Supplemental Memorandum in Support re 151 Consent MOTION for Settlement <i>Approval</i> filed by Robert Barfield. (Krayeske, Kenneth) (Entered: 05/14/2021)</p>
05/14/2021	158	<p>NOTICE: At the hearing on Monday, counsel should be prepared to discuss the scope of the release in paragraph 18 of the Settlement Agreement (ECF No. 133 at 11-12), among other issues. Signed by Judge Michael P. Shea on 5/14/2021.(Gait, Emily) (Entered: 05/14/2021)</p>
05/17/2021	159	<p>ORDER: For the reasons stated on the record in open court, the motion to approve the settlement agreement (ECF No. 151) is DENIED without prejudice. The defendants' motion (ECF No. 154) regarding compliance with notice requirements is DENIED AS MOOT.</p> <p>Within 30 days, the parties shall file a joint status report indicating either (1) they have reached a new settlement agreement or are in the process of negotiations and the timetable of the parties' negotiations; or (2) they are going to continue litigating the matter.</p> <p>Signed by Judge Michael P. Shea on 5/17/21. (Constantine, A.) (Entered: 05/17/2021)</p>

05/17/2021	162	Minute Entry for proceedings held before Judge Michael P. Shea: Motion Hearing held on 5/17/2021 re 151 Consent MOTION for Settlement <i>Approval</i> filed by Robert Barfield, 154 MOTION for For Order Finding Compliance With the Order Giving Notice to the Class and For a Finding of Adequacy of the Notice Given Order filed by Angel Quiros. 26 minutes(Court Reporter J. Monette.) (Johnson, D.) (Entered: 05/18/2021)
05/18/2021	160	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. <u>Ex Parte</u> Telephonic Settlement Conference with counsel for the plaintiffs set for Tuesday, May 18, 2021, at 2:30PM before Judge Sarah A. L. Merriam. The dial-in information has been provided to counsel by email. (Weis, Anne) (Entered: 05/18/2021)
05/18/2021	161	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. <u>Ex Parte</u> Telephonic Settlement Conference with counsel for the defendants set for Tuesday, May 18, 2021, at 3:30PM before Judge Sarah A. L. Merriam. The dial-in information has been provided to counsel by email. (Weis, Anne) (Entered: 05/18/2021)
05/18/2021	163	Minute Entry for proceedings held before Judge Sarah A. L. Merriam: <u>Ex Parte</u> Telephonic Settlement Conference with counsel for the plaintiffs held on 5/18/2021. 30 minutes. (Weis, Anne) (Entered: 05/18/2021)
05/18/2021	164	Minute Entry for proceedings held before Judge Sarah A. L. Merriam: <u>Ex Parte</u> Telephonic Settlement Conference with counsel for the defendants held on 5/18/2021. 10 minutes. (Weis, Anne) (Entered: 05/18/2021)
05/18/2021	165	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. <u>Ex Parte</u> Telephonic Settlement Conference with counsel for the plaintiffs set for Wednesday, May 19, 2021, at 11:00AM before Judge Sarah A. L. Merriam. The dial-in information has been provided to counsel by email. (Weis, Anne) (Entered: 05/18/2021)
05/18/2021	166	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. <u>Ex Parte</u> Telephonic Settlement Conference with counsel for the defendants set for Tuesday, May 25, 2021, at 12:00PM before Judge Sarah A. L. Merriam. The dial-in information will be provided to counsel by email in advance of the conference. (Weis, Anne) (Entered: 05/18/2021)

05/19/2021	167	Minute Entry for proceedings held before Judge Sarah. A. L. Merriam: <u>Ex Parte</u> Telephonic Settlement Conference with counsel for the plaintiffs held on 5/19/2021. 5 minutes. (Weis, Anne) (Entered: 05/19/2021)
05/25/2021	168	Minute Entry for proceedings held before Judge Sarah A. L. Merriam: <u>Ex Parte</u> Telephonic Settlement Conference with counsel for the defendants held on 5/25/2021. 7 minutes. (Weis, Anne) (Entered: 05/25/2021)
05/25/2021	169	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. <u>Ex Parte</u> Telephonic Settlement Conference with counsel for the plaintiffs set for Wednesday, May 26, 2021, at 4:30PM before Judge Sarah A. L. Merriam. The dial-in information has been provided to counsel by email. (Weis, Anne) (Entered: 05/25/2021)
05/26/2021	170	Minute Entry for proceedings held before Judge Sarah A. L. Merriam: <u>Ex Parte</u> Telephonic Settlement Conference with counsel for the plaintiffs held on 5/26/2021. 15 minutes. (Weis, Anne) (Entered: 05/27/2021)
05/27/2021	171	Minute Entry for proceedings held before Judge Sarah A. L. Merriam: <u>Ex Parte</u> Telephonic Settlement Conference with counsel for the defendants held on 5/27/2021. 25 minutes. (Weis, Anne) (Entered: 05/27/2021)
06/16/2021	172	Consent MOTION for Extension of Time until July 1, 2021 to File Joint Status Report by Angel Quiros. (Strom, Steven) (Entered: 06/16/2021)
06/18/2021	173	ORDER granting 172 Consent Motion for Extension of Time until July 1, 2021 in which to file a joint status report. Signed by Judge Michael P. Shea on 6/18/21. (Constantine, A.) (Entered: 06/18/2021)
06/18/2021		Set Deadlines/Hearings: Joint Status Report due by 7/1/2021 (Constantine, A.) (Entered: 06/18/2021)
06/29/2021	174	STATUS REPORT by Angel Quiros. (Strom, Steven) (Entered: 06/29/2021)
07/01/2021	175	Joint STATUS REPORT by Angel Quiros. (Strom, Steven) (Entered: 07/01/2021)
07/06/2021	176	ORDER: The Court has reviewed the parties' status report (ECF No. 175) and grants the parties' request to continue discussions with Judge

		<p>Merriam. The parties shall file a joint status report by September 20, 2021.</p> <p>Signed by Judge Michael P. Shea on 7/6/21. (Constantine, A.) (Entered: 07/06/2021)</p>
07/06/2021	177	<p>NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. Telephonic Settlement Conference with counsel set for Thursday, July 8, 2021, at 10:30 a.m. The dial-in information has been provided to counsel by email. (Weis, Anne) (Entered: 07/06/2021)</p>
07/06/2021		<p>Set Deadlines: JOint Status Report due by 9/20/2021 (Johnson, D.) (Entered: 07/06/2021)</p>
07/08/2021	178	<p>Minute Entry for proceedings held before Judge Sarah A. L. Merriam: Telephonic Settlement Conference with counsel held on 7/8/2021. 30 minutes. (Weis, Anne) (Entered: 07/08/2021)</p>
07/08/2021	179	<p>NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. Telephonic Settlement Conference with counsel set for Wednesday, August 11, 2021, at 10:00 a.m. before Judge Sarah A. L. Merriam. The dial-in information will be provided to counsel by email in advance of the conference. (Weis, Anne) (Entered: 07/08/2021)</p>
07/22/2021	180	<p>ORDER TO SHOW CAUSE: The Court recently granted the parties' request to continue discussions with Judge Merriam, which have been ongoing for some time after the fairness hearing held in mid-May. The Court is further aware of previous statements by the parties that legislative approval of any new settlement would be necessary, and further understands that the legislature will not be in session again until 2022. Because it appears that no litigation is actually occurring in this case, and is not expected to for some time, there does not appear to be any reason for the case to remain open on the Court's docket. Therefore, within 7 days of this order, any party believing there is a good reason for the Court to continue to keep the case open shall show cause why the Court should not administratively close the case by filing a statement on the docket not to exceed 7 pages. If nothing is filed, or if the Court is not persuaded that there is a good reason to keep the case open, it will administratively close the case, subject to reopening upon the filing by any party of a statement indicating a reason the case should be reopened, including, but not limited to, that (a) a final settlement has been reached by the parties and is being presented to the court for approval, or (b) the parties have exhausted their efforts to settle the case and the plaintiffs wish to proceed with the litigation. If such a statement is filed, the Court</p>

		<p>would reopen the case and set a schedule for any remaining proceedings. Please note that an administrative closure order as contemplated by this order is not a dismissal and will not affect the plaintiffs' right to litigate the case - if the plaintiffs indicate that that is what they wish to do - or the defendant's right to defend the case. Nothing in the Order is intended to prevent or discourage the parties from continuing settlement discussions, either on their own or with the assistance of Judge Merriam (subject, of course, to her availability).</p> <p>Signed by Judge Michael P. Shea on 7/22/21. (Constantine, A.) (Entered: 07/22/2021)</p>
07/23/2021	181	<p>Minute Entry for proceedings held before Judge Sarah A. L. Merriam: <u>Ex Parte</u> Telephonic Settlement Conference with counsel for the defendants held on 7/23/2021. 15 minutes. (Weis, Anne) (Entered: 07/23/2021)</p>
07/30/2021	182	<p>NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. <u>Ex Parte</u> Telephonic Settlement Conference, with counsel for the defendants, set for Thursday, August 5, 2021, at 10:00 a.m. before Judge Sarah A. L. Merriam. Counsel shall call Chambers at that time: (203) 773-2022. (Weis, Anne) (Entered: 07/30/2021)</p>
07/30/2021	183	<p>NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. <u>Ex Parte</u> Telephonic Settlement Conference, with counsel for the plaintiffs, set for Thursday, August 5, 2021, at 11:00 a.m. before Judge Sarah A. L. Merriam. Counsel shall call Chambers at that time: (203) 773-2022. (Weis, Anne) (Entered: 07/30/2021)</p>
08/03/2021	184	<p>ORDER: No statement having been filed in response to the Court's July 22 order to show cause (ECF No. 180), the Court orders that this case be administratively closed pending further order of the Court. As indicated in the order to show cause, to reopen the case, either party may file a statement indicating that (a) a final settlement has been reached and is being presented to the court for approval, (b) the parties wish to proceed with litigating the case, or (c) there is some other good reason to reopen the case. In the meantime, the Clerk is directed to close the case but not to enter judgment.</p> <p>Signed by Judge Michael P. Shea on 8/3/21. (Constantine, A.) (Entered: 08/03/2021)</p>
08/04/2021		<p>JUDICIAL PROCEEDINGS SURVEY - FOR COUNSEL ONLY: The following link to the confidential survey requires you to log into</p>

		<p>CM/ECF for SECURITY purposes. Once in CM/ECF you will be prompted for the case number. Although you are receiving this survey through CM/ECF, it is hosted on an independent website called SurveyMonkey. Once in SurveyMonkey, the survey is located in a secure account. The survey is not docketed and it is not sent directly to the judge. To ensure anonymity, completed surveys are held up to 90 days before they are sent to the judge for review. We hope you will take this opportunity to participate, please click on this link:</p> <p>https://ecf.ctd.uscourts.gov/cgi-bin/Dispatch.pl?survey (Johnson, D.) (Entered: 08/04/2021)</p>
08/04/2021	185	<p>NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. <i>RESET from 11:00 a.m. Ex Parte</i> Telephonic Settlement Conference, with counsel for the plaintiffs, set for Thursday, August 5, 2021, at 5:00 p.m. before Judge Sarah A. L. Merriam. Counsel shall call Chambers at that time: (203) 773-2022. (Weis, Anne) (Entered: 08/04/2021)</p>
08/05/2021	186	<p>Minute Entry for proceedings held before Judge Sarah A. L. Merriam: separate <u>ex parte</u> telephonic settlement conferences with counsel for the defendants and counsel for the plaintiffs held on 8/5/2021. Total time: 40 minutes. (Weis, Anne) (Entered: 08/06/2021)</p>
08/11/2021	187	<p>Minute Entry for proceedings held before Judge Sarah A. L. Merriam: <u>Ex Parte</u> telephonic settlement conference, with counsel for the defendants, held on 8/11/2021. Total time: 18 minutes. (Weis, Anne) (Entered: 08/11/2021)</p>
08/11/2021	188	<p>ORDER. Settlement discussions in this matter have been ongoing since November 2019. <u>See</u> Doc. #82. On July 8, 2021, the Court calendared a telephonic settlement conference with counsel for all parties, to be conducted on August 11, 2021, at 10:00 a.m. <u>See</u> Doc. #179. Since the issuance of that calendar notice, the Court has continued to communicate regularly with all counsel, by both email and telephone. On Friday, August 6, 2021, the Court sent separate emails to counsel for defendants and to Attorney Krayske, reminding each of the August 11, 2021, conference and providing the dial-in information for that conference. Plaintiffs' counsel failed to join the conference earlier today. Accordingly, the Court used the time to conduct <u>ex parte</u> settlement discussions with defendants' counsel.</p> <p>As the undersigned has repeatedly cautioned all counsel, they must dedicate sufficient time and attention to this matter to permit settlement discussions to proceed in a reasonable and productive way, if they wish to continue to use Court resources for that purpose.</p> <p>The Court will schedule a further telephonic conference for next week. A</p>

		<p>separate calendar will enter. Counsel must meet and confer, by telephone or video conference, in advance of that conference. During the Court's next conference with counsel, the Court will expect all counsel to jointly propose a detailed schedule and plan for the continuation of settlement discussions.</p> <p>It is so ordered.</p> <p>Signed by Judge Sarah A. L. Merriam on 8/11/2021.(Weis, Anne) (Entered: 08/11/2021)</p>
08/11/2021	189	<p>NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. Telephonic settlement conference with counsel set for Wednesday, August 18, 2021, at 4:00 p.m. before Judge Sarah A. L. Merriam. The dial-in information will be provided to counsel by email in advance of the conference. (Weis, Anne) (Entered: 08/11/2021)</p>
08/18/2021	190	<p>Minute Entry for proceedings held before Judge Sarah A. L. Merriam: telephonic settlement conference with counsel held on 8/18/2021. The parties shall follow up as discussed during the conference. 15 minutes. (Weis, Anne) (Entered: 08/18/2021)</p>
08/18/2021	191	<p>NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. Telephonic settlement conference with counsel set for Tuesday, September 7, 2021, at 11:00 a.m. before Judge Sarah A. L. Merriam. The dial-in information will be provided to counsel by email in advance of the conference. (Weis, Anne) (Entered: 08/18/2021)</p>
09/03/2021	192	<p>ORDER. On August 18, 2021, the Court conducted a telephonic settlement conference with counsel for all parties. During the conference, counsel for plaintiffs agreed to provide certain information to the Court and defense counsel by August 23, 2021, and counsel for defendants agreed to respond by September 1, 2021. The Court received plaintiffs' submission as expected on August 23, 2021, but has received no submission from counsel for defendants to date, and indeed has received no response to emails sent on September 2, 2021, and September 3, 2021, inquiring about the status of this information.</p> <p>Counsel are reminded that this matter is set for a follow-up conference by telephone on September 7, 2021, at 11:00 a.m. The Court expects counsel for defendants to participate in that conference, and to be prepared to address the Court's concerns regarding their failure to respond. It is so ordered.</p> <p>Signed by Judge Sarah A. L. Merriam on 9/3/2021.(Weis, Anne) (Entered: 09/03/2021)</p>

09/07/2021	193	Minute Entry for proceedings held before Judge Sarah A. L. Merriam: Telephonic Settlement Conference held on 9/7/2021 with counsel for all parties. No further settlement conferences will be scheduled at this time. Counsel for defendant shall provide the Court with contact information for the person with decision-making authority in this matter by the close of business on September 10, 2021 , by email to SALM_Settlement@ctd.uscourts.gov. Total Time: 19 minutes. (McCallum, Chelsea) (Entered: 09/08/2021)
09/08/2021	194	ORDER: The parties are reminded that Judge Shea has ordered that a joint status report be filed by September 20, 2021 . <u>See</u> Doc. #176. It is so ordered. Signed by Judge Sarah A. L. Merriam on 9/8/2021. (McCallum, Chelsea) (Entered: 09/08/2021)
09/08/2021	195	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. Telephonic <u>Ex Parte</u> Settlement Conference set for Monday, September 13, 2021, at 9:30 a.m. with Attorney Margaret Q. Chapple, who has been identified by defense counsel as "the person with decision-making authority in this matter[.]" Doc. #193, before Judge Sarah A. L. Merriam. Attorney Chapple shall call chambers (203-773-2022) at the appointed time. (McCallum, C.) (Entered: 09/08/2021)
09/13/2021	196	Minute Entry for proceedings held before Judge Sarah A. L. Merriam: <u>Ex Parte</u> Telephonic Settlement Conference held on 9/13/2021 with Attorney Margaret Chapple on behalf of defendants. The Court discussed with Attorney Chapple the issues the Court believes need to be addressed. Attorney Chapple will confer with Attorney O'Neill and Attorney Strom regarding these issues. Counsel for defendants shall provide an update to the Court and to plaintiff's counsel by email to SALM_Settlement@ctd.uscourts.gov as soon as reasonably practicable. The Court will not schedule any further settlement discussions in this matter until a detailed update is received. Total Time: 23 minutes. (McCallum, C.) (Entered: 09/13/2021)
09/20/2021	197	Joint STATUS REPORT by Angel Quiros. (Strom, Steven) (Entered: 09/20/2021)

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