

Supreme Judicial Court and Appeals Court of Massachusetts
Public Case Information



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SUPREME JUDICIAL COURT
for Suffolk County
Case Docket

AN OPEN LETTER FROM TEN BLOCK CARL HOFFER, ET ALS vs. MICHAEL V. FAIR, COMMISSIONER OF CORRECTION
SJ-1985-0071

CASE HEADER

Case Status	Decided	Status Date	08/28/2007
Nature	Miscellaneous	Entry Date	02/25/1985
Sub-Nature		Single Justice	Greaney, J.
TC Ruling		TC Ruling Date	
SJ Ruling		TC Number	
Pet Role Below		Full Ct Number	
Lower Court		Lower Ct Judge	

ADDITIONAL INFORMATION

Add'l trial court info: MATTER REFERRED TO ASSOCIATE JUSTICE PAUL J. LIACOS.

10/4/85: Appearance of AAG John Bishop, for the defendant, Department of Correction, 100 Cambridge Street, Boston, Ma.

04/08/85: Atty John P. Osler, for the plaintiffs, 8 Winter Steet, Boston, MA.

06/11/85: Appearance of Atty. Ann L. Greenblat, Mass. Legal Services, 8 Winter Street, Boston, MA filed for plaintiffs,. (10/21/86: Withdrawal of Appearance of Atty Ann Lambert Greenblatt)

2/19/86: Appearance of Atty Freda K. Fishman, Dept. of Correction, Cambridge Street, Boston, Ma filed for the defendant.

12/23/86: Appearance of Atty. James R. Pingeon, Massachusetts Correctional Legal Services, 8 Winter Street, Boston, Massachusetts filed. (09/18/95: Motion to Withdraw As Counsel filed)

9/18/86: Appearance of Atty Lena M. Wong for Commissioner of Corrections, Michael V. Fair, 100 Cambridge Street, Boston, Ma.

10/22/86: Appearance of Barry Barkow, Massachusetts Correctional Services, 8 Winter Street, Boston.

Plaintiffs Post-Trial Memorandum with Attachment One (see p. no. 164, folder no. 4) in marked box in basement. (mr)

Plaintiffs' Memorandum Regarding the Master's Final Report with Attachment A-F in marked box in basement. (mr)

ADDITIONAL INFORMATION

7/7/88: Appearance of Atty Charles M. Wyzanski, Department of Correction, 100 Cambridge Street, Boston, Ma.

INVOLVED PARTY**ATTORNEY APPEARANCE**

Carl Hoffer, et als
Plaintiff

Michael V. Fair
Defendant

DOCKET ENTRIES**Entry Date Paper Entry Text**

Entry Date	Paper	Entry Text
02/25/1985	#1	ORDER #1 entered in S.J.C. for the Commonwealth.. "It is hereby ORDERED, that a letter dated February 8, 1985, entitled "An Open Letter from Ten Block MCI Walpole" and received by all the members of the Court, be treated as a Petition pursuant to G.L. c. 211, sec. 3, and referred to Associate Justice Paul J. Liacos, sitting as Single Justice, for investigation and recommendation to the Full Court.
02/25/1985	#2	An Open Letter from Ten Block MCI Walpole filed.
03/08/1985	#3	Letter to Hon. Paul J. Liacos from Joseph A. Messere, MCI Walpole saying "I am writing in regards to your order that an investigation, and inquest be conducted concerning the death of Jorge Bidot..." filed.
03/15/1985	#4	Letter to Joseph A. Messere, MCI Walpole from Susan Mellen, assistant clerk saying.. "...At the direction of the Court, this is in response in order to clarify particular matters.. The inquest being conducted by Judge St. Cyr, in the Wrentham District Court, was not initiated by order of Mr. Justice Liacos, but is being conducted by operation of law, thus the matter being investigated at the inquest is not presently before.... Justice Liacos."
03/15/1985	#5	Letter to Attorney Ann L. Greenblatt, Greater Boston Legal Services, from Susan Mellen, assistant clerk saying... "Enclosed... find a letter addressed to Justice Liacos from Joseph A. Messere, an inmate in Cell Block Ten... and "this court's response to Mr. Messere's letter which is... forwarded to you at the direction of Justice Liacos.."
03/19/1985	#6	MOTION For Visitation Order Concerning Conditions Of Attorney-Client Visitation with Affidavit of Counsel, Ann Lambert Greenblatt, and Certificate of Service attached saying... "specifically.. petitioners request the entry of orders that they be permitted to meet with their attorneys 1. without the imposition of a mesh, plastic or other barrier preventing the conduct of a "contact visit"; 2 without the necessity of

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conversing through any "voicebox" or telephonic or other electronic device; 3. without the institutional staff's insisting that the prisoner wear a Department-of-Correction-issued "jump suit" before being let out of his cell to meet with his attorney; and 4. without having to make appointments for attorney-client visitation 24 hours in advance if the institutional facilities can accommodate those visits without such prior notice...visitation terms apply to meetings with both staff attorneys and full-time paralegal employees with Massachusetts Correctional Legal Services and, also, to meeting with all inmates designated as Departmental Segregation Unit prisoners, whether housed in Block 10 at Walpole or in any other unit or facility within the Department of Correction.." (See Order #2, p. no. 12)

03/19/1985 #7 Letter to Hon. Paul J. Liacos from Anthony Jackson, Bridgewater State Hospital saying "I'm writing with regard to recent articles written in the Boston Herald..." see enclosures A-D..." filed.

04/08/1985 #8 Opposition Of Department Of Correction To Petitioner's Motion For Visitation Orders Concerning Conditions Of Attorney-Client Visitation with Certificate of Service attached filed by John W. Bishop, Jr., special assistant attorney general, Department of Correction.

04/08/1985 #9 Hearing held before Liacos, J.

04/08/1985 #10 Appearance of John W. Bishop, Jr., special assistant attorney general for the Department of Correction, 100 Cambridge Street, Boston, Massachusetts, 02202 filed.

04/08/1985 #11 Appearance of Atty. John P. Osler, Massachusetts Correctional Legal Services, 8 Winter Street, Boston, Massachusetts, 02108, filed by petitioners.

04/08/1985 #12 ORDER #2, as on file. (Liacos, J.) "After argument, and pending any further order of this Court, it is hereby ordered, with respect to petitioner's Motion for Visitation Orders Concerning Conditions of Attorney-Client Visitation, as follows: 1. Requests numbered (1) and (2) are allowed; staff attorneys of Massachusetts Correctional Legal Services and paralegal Diane McLaughlin shall be permitted to meet inmates confined in the Department Segregation Unit (DSU-Block 10) on the subject matters at issue in this proceeding: (1) without the imposition of a mesh, plastic or other barrier preventing the conduct of a "contact visit"; and (2) without the necessity of conversing through any "voicebox" or telephonic or other electronic device. 2. Requests numbered (3) and (4) are deferred; no action is taken on them." (NOTICE TO COUNSEL OF ORDER, NO. 2 SENT)

04/09/1985 #12.1 Notice to counsel, regarding paper number 12 filed.

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05/23/1985 #13 MOTION For Further Orders Concerning Legal Visits with Exhibits 1-5, with Certificate of Service attached filed by Attys. Ann Lambert Greenblatt and John P. Osler, Massachusetts Correctional Legal Services, Inc. (See Order, #4, p. no. 21)

06/10/1985 #14 Opposition Of Department of Correction To Motion for Further Orders Concerning Legal Visits with Attachment A and Certificate of Service attached filed by John W. Bishop, Jr., special assistant attorney general.

06/11/1985 Hearing held before Liacos, J.

06/11/1985 #15 Appearance of Atty Ann L. Greenblatt, Massachusetts Legal Correctional Services for plaintiffs filed.

06/11/1985 #16 Appearance of John W. Bishop, Jr., Special Assistant Attorney General for Massachusetts Department of Correction filed.

06/11/1985 #17 Affidavit of John Ramos, American Friends Service Committee, 2161 Massachusetts Avenue, Cambridge, Massachusetts, 02140 filed.

06/11/1985 #18 Supplemental Affidavit of Dianne McLaughlin, paralegal, Massachusetts Correctional Legal Services with Exhibit A attached filed.

06/11/1985 #19 Supplemental Affidavit of Atty Ann Greenbaltt, Massachusetts Legal Services with Certificate of Service attached filed.

06/11/1985 #20 ORDER #3 as on file. (Liacos,J.) "After hearing argument on the petitioners' motion for further orders accompanied by their affidavits, I order counsel for the petitioners to file their substitute complaint on or before June 21, 1985 and the defendants to file their answer and responsive pleadings on or before July 2, 1985. Further orders may issue on the issues raised by the motions heard."

06/12/1985 #20.1 Notice to counsel, regarding paper number 20 filed.

06/20/1985 #21 ORDER #4, as on file. (Liacos,J) "After hearing, and pending any further orders of this Court, it is hereby ordered with respect to petitioners' motion for further orders concerning legal visits, as follows: 1 Under this Court's order of April 8, 1985, staff attorneys of Massachusetts Correctional Legal Services (MCLS) and paralegal Dianne McLaughlin of MCLS were and are permitted to meet with inmates confined in the Department Segregation Unit (DSU-Block 10) under the conditions described in that order. The purpose of the April 8, 1985, order was and is to afford the MCLS staff attorneys and paralegal the opportunity to determine whether any of the DSU inmates require MCLS services to file a complaint against the Department of Correction under any regulatory, statutory, or constitutional provisions. 2. The purported revocation of the visitation rights of Dianne McLaughin is declared to be invalid because the visiting rights of the persons specified in this

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Court's order of April 8, 1985, may not be suspended except by order of this Court. The Department of Correction (DOC) is directed both to issue a corrective memorandum to the petitioners stating that the suspension was invalid and to correct and expunge its files and records, as appropriate concerning the matter. However, the superintendent of MCI Walpole may pursue his complaint against Dianne McLaughlin for her alleged violation of visiting privilege regulations before this Court. 3. The Department of Correction, the several superintendents of state correctional institutions where DSU Block 10 inmates are incarcerated and other Department personnel are enjoined from revoking visitation rights and barring counsel or paralegal Dianne McLaughlin from entering DOC facilities without making application, upon showing of just and lawful cause, to this Court for an alteration of its orders concerning conditions of legal visits with prisoners. 4. There shall be no auditory monitoring by the Department of Correction of conversations between the MCLS attorneys or paralegal and their DSU inmate clients. Visual monitoring of visits between MCLS attorneys or paralegal and DSU inmates are permitted. During meetings between the MCLS attorneys or paralegal and their clients, the Department of Correction staff or employees must be far enough away from the site of the meetings that they cannot overhear conversation between the attorney or paralegal and client. 5. The petitioners' request for orders permitting DSU inmates to meet with MCLS attorneys..paralegals a) without handcuffs or leg irons, and b) without being required to wear prison-issued jumpsuits, is deferred. 6. The Court awaits the filing of pleadings and responsive papers as required under the Court's order of June 11, 1985."

06/21/1985 #21.1	Notice to counsel, regarding paper number 21 filed.
06/21/1985 #22	Amended Complaint, filed by Atty Ann Lambert Greenblatt and Atty John P. Osler, Massachusetts Correctional Legal Services filed. (See Order, #5, p. no. 28)
06/21/1985 #23	Certificate of Service for Amended Complaint filed by Atty Ann Lambert Greenblatt, Massachusetts Correctional Legal Services filed.
07/02/1985 #24	Defendant's Answer filed for Michael V. Fair, Commissioner of Correction filed by John W. Bishop, Jr., special assistant attorney general with Certificate of Service attached.
07/03/1985 #25	Defendant's First Amended Answer with Certificate of Service attached filed by John W. Bishop, Jr, special assistant attorney general.

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- 07/03/1985 #26 MOTION To Transfer Cause Pursuant To G.L. c. 211, sec. 4A, filed for Michael V. Fair, Commissioner of Corrections by special assistant attorney general, Department of Correction.
- 07/03/1985 #27 Claim Of Trial By Jury filed for Michael V. Fair, Commissioner of Correction by John w. Bishop, Jr., special assistant attorney general, Department of Correction.
- 07/09/1985 #28 ORDER #5, as on file. (Liacos, J.) "In his first amended answer, the defendant lists fourteen affirmative defenses, eight of which concern preliminary matters. These are:"1. The complaint fails to state a claim upon which relief may be granted."8. The plaintiffs have raised issues and claims in this complaint which have been previously adjudicated by a court of competent jurisdiction."9. The complaint fails to state a claim because the same issues have been adjudicated between the same parties in previous litigation. "10. The complaint fails to state a claim under G.L. c. 12 sec. 11 (H)-(I) as it contains no allegations of threats, coercion or intimidation. "11. Court lacks jurisdiction of the subject matter of this action. "12. This action properly belongs in the Superior Court, and should be transferred pursuant to G.L.c. 211, sec. 4 A. "13. The defendant is immune from suit. "14. The defendant claims trial by jury of all matters herein triable by jury."
- 07/09/1985 #28.1 Notice to counsel, regarding paper number 28 filed.
- 07/11/1985 #29 MOTION For Further Order To Facilitate Briefing Of Preliminary Matters with Certificate of Service attached filed by Atty Ann Lambert Greenblatt and Atty John P. Osler, Department of Correctional Legal Services, Inc., filed. (7/11/95: Motion Allowed. Information sought by plaintiffs to be provided as per Motion no later than close of business July 16, 1985. By the Court, Liacos, J.)
- 07/12/1985 #29.1 Notice to counsel, regarding paper number 29 filed.
- 07/23/1985 #29.2 Plaintiff's Memorandum Of Law Concerning Preliminary Matters with Exhibits A-L attached filed by Attys Ann L. Greenblatt and John Osler, Massachusetts Correctional Legal Services.
- 07/23/1985 #30 Defendant's Motion To Terminate Court Orders entered 4/8/85 and 6/21/85 allowing visitation rights for representatives of Massachusetts Correctional Legal Services to the inmates in the Department Segregation Unit filed by John W. Bishop, Jr., special assistant attorney general and Freda K. Fishman, assistant attorney general, Department of Correction filed. (8/14/85, MOTION DENIED, LIACOS, J. See Order no. 6, p. no 39).
- 07/23/1985 #31 MOTION For Leave To Amend Complaint, filed for plaintiffs by Atty Ann Lambert Greenblatt and Atty John P. Osler, Massachusetts Correctional Legal Services. (7/25/85 MOTION ALLOWED, Liacos, J.)

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07/23/1985 #32 Affidavit of Pedro Cumba, state prisoner, M.C.I. Norfolk filed.

07/23/1985 #33 Affidavit of Atty Ann Lambert Greenblatt, Massachusetts Correctional Legal Services filed.

07/23/1985 #34 Certificate of Service for Plaintiffs's Memorandum of Law Concerning Preliminary Matters, Motion For Leave to Amend Complaint, Affidavit of Atty Ann Greenblatt, Massachusetts Correctional Legal Services and Pedro Cumba, state prisoner filed by Atty Ann Lambert Greenblatt.

07/24/1985 #35 Appearance of Atty Ann Greenblat and Atty John Osler, Massachusetts Correctional Legal Services filed.

07/24/1985 *****FOLDER NO. ONE ENDS*****

07/24/1985 *****FOLDER NO. TWO BEGINS*****

07/24/1985 #36 Defendant's Memorandum of Law In Support of Certain Affirmative Defenses with Exhibit A-F and Certificate of Service attached filed by John W. Bishop, Jr., special assistant attorney general.

07/24/1985 #37 Copy of Report of the Inquest In the Matter of Joge Bidot, (Wrentham Division, District Court Department) before John F. St. Cyr, Justice filed by Atty Ann L. Greenblatt and Atty John P. Osler, Massachusetts Correctional Legal Services.

07/31/1985 #38 ORDER #1A, as on file. (Liacos, J.) "It is hereby ORDERED, that the complaint captioned Hoffer et al v. Commissioner of Correction, which was filed as an amended complaint to the petition to this Court entitled "An Open letter from Ten Block" MCI Cedar Junction, and all related motions, pleadings, and matters, be transferred to Associate Justice Paul J. Liacos, sitting as Single Justice, for disposition."

08/06/1985 #38.1 Letter to Hon. Paul J. Liacos from Atty Freda K. Fishman, Department of Correction saying...."This is in response to your request of July 25, 1985, for a letter regarding the parties' interest in court-supervised mediation as a method of resolving the claims raised in Hoffer et al v. Fair. I have discussed the possibility with Commissioner Fair and he feels, for two reasons, that mediation would not be of assistance at this time. He does, however, have an alternative suggestion for your consideration that may accomplish some of the same objectives..."filed.

08/07/1985 #38.2 Letter to Hon. Paul J. Liacos from Atty Ann Lambert Greenblatt and Atty John P. Osler, Massachusetts Correctional Legal Services saying.."We are informed that the Commissioner of Correction takes the position that the plaintiffs' claim in the above-captioned litigation are not ones to which he would agree to have the Department participate in mediation proceedings..." filed.

08/14/1985 #39 Memorandum and Order #6, as on file. (Liacos, J.)

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08/14/1985 #39.1 Notice to counsel, regarding paper number 39 filed.

08/19/1985 #40 Notice of appeal from Interlocutory Order #4 with Certificate of Service and Attachments 1-2 E attached filed for Michael V. Fair, Department of Correction by Atty Freda K. Fishman. (See Rescript, p. no. 82)

08/28/1985 #41 Notice of assembly of the record.

08/28/1985 #42 Notice to counsel, regarding paper number 40 and 41 filed.

10/22/1985 #43 Proposed Joint Scheduling Order and Order of Reference filed by Atty Freda K. Fishman, Department of Correctional Legal Services. (See Order, p. no. 45)

10/23/1985 #44 Defendant's Supplement To Proposed Joint Order of Reference with Certificate of Service attached filed by Atty Freda K. Fishman, Department of Correction filed.

12/10/1985 #45 Scheduling Order And Order of Reference-#7, as on file. (Liacos, J.) "It is hereby Ordered that this action be referred to Andrew R. Linscott, Esquire, as Master for the conduct of proceedings pursuant to Mass. R. Civ. P. 53....The Master shall file his report on or before July 1, 1986."

12/10/1985 #45.1 Notice to Counsel/Parties: "Enclosed please find a certified copy of a Scheduling Order and Order of Reference which was entered in the above-stated matter by order of Justice Liacos on December 10, 1985."

12/17/1985 #46 MOTION For Injunctive Relief Concerning Fire Safety with Certificate of Service and Attachment filed by Atty Ann Greenblatt, Massachusetts Correctional Legal Services. (See Master Report, p. no. 79 and Memorandum and Order #9, p. no. 110)

12/19/1985 #47 Defendant's FIRST SET OF INTERROGATORIES To Plaintiffs filed by Atty Freda K. Fishman, Department of Correction.

12/19/1985 #48 Defendant's First Request For Production Of Documents To Plaintiffs filed by Atty Freda K. Fishman, Department of Correction.

12/19/1985 #49 Certificate of Service for the Defendant's First Set of Interrogatories to Plaintiffs and Defendant's First Request For Production of Documents To Plaintiffs, filed by Atty Freda K. Fishman, Department of Correction.

12/19/1985 #50 Plaintiffs' Request For Production Of Documents And Things with Exhibit A-F attached filed by Atty Ann Lambert Greenblatt, Massachusetts Correctional Legal Services. (See Order, p. no. 75)

12/19/1985 #51 Plaintiffs' Motion For Release Of Inquest Exhibits filed. (1/15/86 DENIED BY THE MASTER, LINSCOTT, J.)

12/23/1985 #52 Opposition to Plaintiffs' Motion For Release Of Inquest Exhibits with Certificate of Service and Exhibit A-B attached filed by

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Atty Freda K. Fishman, Department of Correction.

12/26/1985 #52.1 Opposition to Plaintiffs' Motion For A Preliminary Injunction with Certificate of Service attached filed by Atty Freda K. Fishman, Department of Corrections.

12/30/1985 #53 Defendant's Motion to Enlarge Time In Which To Respond To Plaintiffs' Discovery from December 30, 1985, until January 15, 1986, with Certificate of Service filed by Atty Freda K. Fishman, Department of Corrections.

01/03/1986 #54 Plaintiffs' Response To Defendant's First Set Of Interrogatories filed by Arthur Jones, MCI Cedar Junction, Walpole on behalf of all the prisoners.

01/03/1986 #55 Certificate of Service for Plaintiffs' Response to Defendant's First Set of Interrogatories filed by Atty Ann Lambert Greenblatt, Massachusetts Correctional Legal Services, Inc.

01/15/1986 #56 Plaintiffs' Interrogatories with Attachments A and B filed by Atty Lambert Greenblatt, Massachusetts Correctional Legal Services, Inc.

01/15/1986 #57 Plaintiffs' Second Request For Production of Documents and Things with Certificate of Service and Exhibit A filed by Atty Ann Lambert Greenblatt, Massachusetts Correctional Legal Services, Inc.

01/15/1986 #58 Defendant's Second Request For Production Of Documents (all documents in response to Interrogatory No. 15) filed by Atty. Freda K. Fishman, Department of Correction.

01/15/1986 #59 Defendant's Interrogatories To Plaintiff's filed by Atty Freda K. Fishman, Department of Correction.

01/15/1986 #60 Certificate of Service for Defendant's Second Request for Production Of Documents and Defendant's Interrogatories to Plaintiffs filed by Atty Freda K. Fishman, Department of Correction.

01/31/1986 #61 Defendant's Answers To Plaintiffs' Interrogatories with Certificate of Service attached filed by Atty. Freda K. Fishman, Department of Correction.

01/31/1986 #62 Joint Motion To Continue Hearing Date On Motion For Preliminary Relief filed by parties.

01/31/1986 #63 Affidavit of Atty Ann Greenblatt, Massachusetts Correctional Legal Services..."I represent the plaintiffs in this action.." filed.

01/31/1986 #64 Affidavit of Atty Freda K. Fishman, Department of Correction, filed.

02/18/1986 #65 MOTION For Sanctions For Failure To Make Discovery with Certificate of Service, filed by Atty Ann Lambert Greenblatt, Massachusetts Correctional Legal Services, Inc.

02/18/1986 #66 Assented To Motion For Continuance Of Hearing Date filed by Atty Fred K. Fishman, Department of Correction.

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02/18/1986 #67 Affidavit of Atty Freda K. Fishman, Department of Correction, filed.

02/18/1986 #68 Certificate of Service for Assented To Motion For Continuance Of Hearing Date and Affidavit of Atty Freda K. Fishman, Department of Corrections filed.

02/18/1986 #69 Affidavit of Atty Ann L. Greenblatt, Massachusetts Correctional Legal Services with Certificate of Service attached filed.

02/19/1986 #70 Plaintiff's Memorandum In Support Of Motion For Sanctions filed by Atty Ann Lambert Greenblatt, Massachusetts Correctional Legal Services.

02/19/1986 #71 Supplemental Affidavit of Counsel filed by Atty Ann Lambert Greenblatt, Massachusetts Correctional Legal Services.

02/19/1986 *****FOLDER NO. 2 ENDS*****

02/19/1986 *****FOLDER NO. 3 BEGINS*****

02/19/1986 #72 Appearance of Atty Ann Greenblatt, Massachusetts Correctional Legal Services, for the plaintiffs filed.

02/19/1986 #73 Appearance of Atty Freda K. Fishman, Department of Correction for the defendant filed.

02/19/1986 #74 Appearance of Atty John Oster, Massachusetts Correctional Services filed for the plaintiffs.

02/19/1986 #75 ORDER RE PAPER NO. 50, "PLAINTIFFS" REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS,"dated 1/10/86 entered by Andrew Linscott, Master.

02/20/1986 #76 Copies of Transcripts before Andrew J. Linscott, Master dated 1/22/87, 1/30/87, 2/20/87, 2/26/87, 2/27/87 filed.

03/06/1986 #77 MASTER'S REPORT, (DRAFT) as on file. (Linscott, J. Master)

03/20/1986 #78 Hearing held before Linscott, J. (Master)

03/20/1986 #79 MASTER'S REPORT, as on file. (Linscott, J. Master) (Adopted and Confirmed, See Memorandum and Order 9, p. no. 110) "This report is confined to that part of the amended complaint referred to as "Fire Safety-Block 10."

03/20/1986 #80 Plaintiffs' Memorandum Of Objection To Master's Draft Report with Certificate of Service attached filed by Atty Ann Lambert Greenblatt and Atty James R. Pingeon, Massachusetts Correctional Legal Services.

04/04/1986 #81 Assented To Defendant's Motion To Enlarge Time For Discovery and To Continue Hearing Date filed. (4/10/86 ALLOWED BY MASTER LINSCOTT, J.)

04/17/1986 #82 Rescript: (Wilkins, J.) "...ORDERED, that the following entry be made in the docket; viz., Orders of the single justice affirmed."

05/15/1986 #83 Plaintiffs' Motion For Further Scheduling Order Concerning Discovery And Hearing Date with Certificate of Service attached filed by Attys Ann Lambert Greenblatt and Atty James

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R. Pingeon, Massachusetts Correctional Legal Services.
("Plaintiffs' Motion for Further Scheduling Order Concerning
Discovery and Hearing date...is ALLOWED, (Liacos, J.)
subject to the further conditions of the Master, (Linscott, J.) 1)
that the date set for trial be October 1, 1986 and 2) that there
be no further continuances.")

05/19/1986 #84 Plaintiffs' Memorandum of Objections To The Report Of The
Master Denying Preliminary Injunctive Relief with Certificate of
Service attached filed by Attys Ann L. Greenblatt and James
Pingeon, Massachusetts Correctional Legal Services.

05/20/1986 Hearing held before Liacos, J.

05/20/1986 #84.1 Appearance of Atty Ann L. Greenblatt, Massachusetts
Correctional Legal Services filed.

05/20/1986 #84.2 Appearance of Atty Freda K. Fishman, Department of
Correction filed.

05/20/1986 #84.3 Notice to Counsel/Parties: "Enclosed please find a certified
copy of the Plaintiffs' Motion for Further Scheduling Order
Concerning Discovery and Hearing Date that was filed in the
above case on May 15, 1986, with the Order of the Court
entered today noted thereon." filed.

06/04/1986 #85 Defendant's Proposed Fire Safety Plan with Certificate of
Service attached filed by Atty Freda K. Fishman, Department
of Correction.

06/04/1986 #86 Memorandum In Support Of Defendant's Proposed Fire Safety
Plan with Exhibit A-F attached filed by Atty Freda K. Fishman.
Department of Corrections.

06/13/1986 #87 MOTION For Leave To File Late Response To Defendant's
Proposed Fire Safety Plan with Certificate of Service attached
filed by Atty Ann Greenblatt, Massachusetts Correctional Legal
Services. (9/9/86; ALLOWED, LIACOS, J. See Memorandum
and Order #9, p.no. 110.)

06/13/1986 #88 Plaintiffs' Motion To Compel Answers To Interrogatories And
Production of Documents with Attachments and Certificate of
Service filed by Atty Ann Lambert Greenblatt and James R.
Pingeon, Massachusetts Correctional Legal Services filed.

04/16/1986 #89 Opposition To Plaintiffs' Motion to File Late Response To
Defendant's Proposed Fire Safety Plan filed by Atty Freda K.
Fishman, Department of Correction.

06/16/1986 #90 Opposition To Plaintiffs' Motion To Compel Discovery with
Certificate of Service attached filed by Atty Freda K. Fishman,
Department of Corrections.

06/24/1986 #91 Plaintiffs' Response To Defendant's Proposed Fire Safety Plan
with Certificate of Service attached filed by Atty Ann Lambert
Greenblatt, Massachusetts Correctional Legal Services.

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06/24/1986 #92 Motion To Dismiss Claims Of Defendants Hoffer, Jones, Renrick, Riddle and Stone As Moot with Certificate of Service attached filed by Atty Freda K. Fishman, Department of Correction. (7/1/86: DENIED, (LINSCOTT, J., Master))

07/01/1986 #93 Affidavit of Paul DiPaolo, Director of Programs and Classification for the Massachusetts Department of Correction filed.

07/01/1986 #94 Defendant's CORRECTED Fire Safety Plan filed by Atty Freda K. Department of Correction. (9/9/86: ALLOWED, LIACOS, J. See Memorandum and Order, #9 no. 110)

07/01/1986 #95 Memorandum In Support of Defendant's Proposed Fire Safety Plan filed by Atty Freda K. Fishman, Department of Correction.

07/02/1986 #96 Defendant's Answers to Plaintiffs' Interrogatories with Certificate of Service attached filed by Atty Lena M. Wong, Department of Correction.

07/07/1986 #97 Plaintiffs' Motion For Further Order Regarding Discovery with Certificate of Service attached filed by Attys. Ann Lambert Greenblatt, and James R. Pigeon, Massachusetts Correctional Legal Services. (7/11/86: DENIED, (LINSCOTT, J. MASTER)

07/08/1986 #98 Defendant's Opposition to Plaintiffs' July 7, 1986 Motion For Further Order Regarding Discovery with Certificate of Service attached filed by Atty Freda K. Fishman, Department of Correction.

07/09/1986 #99 Memorandum Of Law In Support Of Plaintiffs' Motion For Further Order Regarding Discovery with Certificate of Service and Attachment filed by Attys Ann Lambert Greenblatt and James R. Pigeon, Massachusetts Correctional Legal Service.

07/10/1986 #100 MOTION To File Affidavit Of Fire Safety Engineering Expert David P. Demers In Support Of And To Clarify Defendant's Proposed Fire Safety Plan with Certificate of Service attached filed by Atty Freda K. Fishman, Department of Correction.

07/10/1986 #101 Affidavit of David P. Demers, Massachusetts Registered Professional Engineer retained by the defendant for advisory and expert witness services.." filed.

07/10/1986 *****FOLDER NO. 3 ENDS*****

07/10/1986 *****FOLDER NO. 4 BEGINS*****

07/16/1986 #102 Plaintiffs' Objections To The Special Master's Denial Of Motion To Compel Discovery with Certificate of Service and Attachments A-D filed by Attys Ann Lambert Greenblatt and James R. Pigeon, Massachusetts Correctional Legal Services. (See Order #10, p. no. 114)

07/21/1986 #103 Defendant's Opposition To Plaintiffs' Objections To The Special Master's Denial Of Motion To Compel Discovery with Certificate of Service and Attachments filed by Atty Freda K.

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Fishman, Department of Correction.

07/22/1986 #104 Motion For Protective Order Authorizing Release Of Criminal Offender Record Information with Certificate of Service filed by Atty Freda K. Fishman, Department of Correction. (7/23/86: ALLOWED, LINSKOTT, J.-SPECIAL MASTER)

07/23/1986 #105 Motion To Enlarge Time By One Week To Produce Additional Documents with Certificate of Service attached filed by Atty Freda K. Fishman. Department of Correction. (7/23/86: ALLOWED, LINSKOTT, J.-SPECIAL MASTER)

07/24/1986 #105.1 Notice to parties: "Please be advised that your "Motion for Protective Order Authorizing Release Of Criminal Offender Record Information" which was filed on July 22, 1986 was allowed by Special Master Linscott. Also, your "Motion To Enlarge Time By One Week To Produce Additional Documents" was filed on July 23, 1986 and allowed." (See p. nos. 104 and 105)

07/29/1986 #106 Defendant's Response To Request For Production Of Documents with Certificate of Service attached filed by Atty Freda K. Fishman, Department of Correction.

08/25/1986 #107 Affidavit of Indigency and Request For State Payment Of Fees and Costs with Attachment filed by Atty Ann Lambert Greenblatt, Massachusetts Correctional Legal Services. (9/9/86 ALLOWED, LIACOS, J. See Order for Payment #8, p. no. 109)

09/05/1986 #108 Motion To Compel Discovery And For Filing Of Class Certification Motion with Certificate of Service attached filed by Atty Freda K. Fishman, Department of Correction. (10/21/86 ALLOWED, BY THE MASTER, LINSKOTT, J.)

09/09/1986 #109 ORDER FOR PAYMENT-#8, as on file. (Liacos, J.) "This matter having come before the Court, in accordance with the Memorandum and Order of this date, it is ORDERED that the Plaintiffs' Request for Payment of Fees and Costs be, and the same hereby is, allowed, and the Massachusetts Correctional Legal Services be, and they hereby are, compensated in the amount of \$2,736.49 as per its invoice of July 19, 1986."

09/09/1986 #110 MEMORANDUM and ORDER #9, as on file. (Liacos, J.) ..."Two other matters are pending before me...Plaintiffs' Objections to the Special Master's Denial of Motion to Compel Discovery, and Plaintiffs' Affidavit of Indigency and Request for Payment of Fees and Costs..I rule as follows: 1. The Master's Report (79) is Confirmed and Adopted....2 The Plaintiffs' Motion for Late Response (#87) is Allowed. (3) The Defendant's Proposed Fire Safety Plan (Corrected Copy) (390) is Allowed..4. Plaintiffs' Request for Payment of Fees and Costs is Allowed....5. The Plaintiffs' Objection to the Special Master's Denial of Motion to Compel Discovery is set down for

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hearing before me in the Courtroom..Thursday, September 18, 1986.."

09/18/1986 Hearing held before Liacos, J.

09/18/1986 #111 Appearance of Atty Freda K. Fishman, for Michael V. Fair, Commissioner of Correction filed.

09/18/1986 #112 Appearance of Atty James Pingeon, for Massachusetts Correctional Legal Services filed.

09/18/1986 #112.1 Appearance of Atty Lena M. Wong for Michael v. Fair, Commissioner of Correction filed.

09/18/1986 #113 Motion For Leave To Add Additional Exhibit To Earlier Filed Objections To The Special Master's Denial Of Motion To Compel Discovery with Certificate of Service and Attachment filed by Attys Ann Lambert Greenblatt and James R. Pingeon, Massachusetts Correctional Legal Service. (9/18/86 ALLOWED IN OPEN COURT, LIACOS, J.)

09/19/1986 #114 ORDER #10, as on file. (Liacos, J.) "it is ORDERED that, 1. The Plaintiffs' Objections to the Special Master's Denial of Motion to Compel Discovery (paper no. 102) be, and the same hereby are, overruled; 2. With the assent of the defendant, no action is taken at this time on the Motion To Compel Discovery and for Filing of Class Certification Motion (paper no. 108); and 3 Request for the scheduling of further hearings before the Special Master is referred to the Special Master for his determination."

09/19/1986 #114.1 Notice to counsel, regarding paper number 114 filed.

09/19/1986 #114.2 Affidavit of Michael T. Maloney, Superintendent of MCI Cedar Junction filed.

09/22/1986 #114.3 Notice to Counsel/Parties: "Please be advised that the Special Master (Linscott, J.) has scheduled for hearing the above matter for Monday, October 20, 1986, at 10:30 a.m., in Court Room 914, Suffolk County Court House, Boston. " filed.

10/21/1986 #115 Withdrawal of Appearance of Counsel, Atty Ann Lambert Greenblatt Massachusetts Correctional Legal Services for plaintiffs filed.

10/22/1986 #116 Appearance of Atty Barry Barkow, Massachusetts Correctional Legal Services, Inc., for plaintiffs with Certificate of Service attached filed.

12/02/1986 #117 Renewed Motion To Dismiss For Mootness And Failure To Provide Discovery with Certificate of Service attached filed by Freda K. Fishman, associate general counsel, Department of Correction. (12/23/86: MOTION DENIED BY THE MASTER: LINSKOTT, J. See p. no. 132.)

12/02/1986 #118 Affidavit of Atty Freda K. Fishman, Counsel for Michael V. Fair, Commissioner of Correction filed.

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12/02/1986 #119 Plaintiffs' Opposition To Renewed Motion To Dismiss For Mootness And Failure To Provide Discovery with Certificate of Service attached filed by Attys Barry Barkow and James R. Pingeon, Massachusetts Correctional Legal Services filed.

12/02/1986 #120 Motion for Leave To Amend Complaint By Substituting Named Plaintiffs, Joseph Labriola, Albert Ford, Warren Nascimento filed. (12/23/1986 ALLOWED BY THE MASTER, LINSCOTT, J. See p. no. 132.)

12/02/1986 #121 Plaintiffs' Supplemental Responses To Defendant's Interrogatories filed by Warren Nascimento.

12/02/1986 #122 Motion For Class Certification (this action be certified as a class action.) (12/23/86: ALLOWED BY THE MASTER, LINSCOTT, J. See p. no. 132)

12/04/1986 #123 Defendant's Motion To Strike Plaintiffs' Motion for Class Certification with Certificate of Service attached filed by Atty Freda K. Fishman, Department of Corrections. (12/23/86: MOTION DENIED BY THE MASTER: LINSCOTT, J., See p. no. 132)

12/08/1986 #123.1 Notice to Parties: "Please be advised that a hearing has been scheduled before Judge Andrew Linscott, Master, for Tuesday, December 23, 1986, at 9:20 a.m. in the Attorneys' Room, 13th Floor, New Court House, Boston, MA."

12/09/1986 #124 Memorandum In Support Of Motion For Class Certification filed by Atty Barry Barkow, Massachusetts Correctional Legal Services.

12/12/1986 #125 Motion To Compel Further Answers To Interrogatories And For Sanctions with Attachments (Memorandum In Support of Motion to Compel, Affidavit of Atty Freda Fishman, Department of Correction letter December 8, 1986) with Certificate of Service attached filed by Freda K. Fishman and Lena M. Wong, Department of Correction. (12/23/86: THE WITHIN MOTION IS ALLOWED AS TO QUESTIONS NO. 3 AND 4 BY THE SPECIAL MASTER, LINSCOTT, J.)

12/22/1986 #126 Defendant's Expert Interrogatory To Plaintiff with Certificate of Service attached filed by Attys Freda K. Fishman and Lena Wong, Department of Correction.

12/23/1986 #127 Plaintiffs' Amended Responses To Defendant's Interrogatories with Certificate of Service attached filed by Warren Nascimento.

12/23/1986 Hearing held before Judge Andrew Linscott, Master.

12/23/1986 #128 Appearance of Atty Freda K. Fishman for Michael Fair, Commissioner of Correction filed.

12/23/1986 #129 Appearance of Atty Lena M. Wong, for defendant, Michael Fair, Commissioner of Correction filed.

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12/23/1986 #130 Appearance of Atty James R. Pingeon, Massachusetts Correctional Legal Services for the plaintiffs.

12/23/1986 #131 Appearance of Atty Barry Barkow, Massachusetts Correctional Legal Services for plaintiffs, Hoffer, et al filed.

12/23/1986 #132 Notice to Counsel/Parties: Please be advised that the following actions were taken today in the above entitled case by the Master, Linscott, J.,: Paper no. 117, Renewed Motion To Dismiss for Mootness and Failure to Provide Discovery filed December 2, 1986, DENIED; Paper no. 120, Motion for Leave To Amend Complaint by Substituting Named Plaintiffs filed December 2, 1986, ALLOWED; Paper no. 122, Motion For Class Certification filed December 2, 1986, ALLOWED; Paper no. 123, Defendant's motion to Strike Plaintiffs' Motion for Class Certification filed December 4, 1986, DENIED; and Paper no. 125, Motion to Compel Further Answers To Interrogatories and for Sanctions filed December 12, 1986 ALLOWED AS TO QUESTIONS NO. 3 AND 4..please be advised that the proceedings commencing Tuesday, January 20, 1987 at 9:30 a.m. before Hon. Andrew Linscott, sitting as Master, will be held in COURT ROOM 914..." filed.

01/05/1987 #133 Notice to Counsel/Parties: "Please be advised that the proceedings commencing Tuesday, January 20, 1987, at 9:30 a.m. before Hon. Andrew Linscott sitting as Master, will be held in Court Room 914... counsel are advised that these proceedings will continue into the following week of January 26, 1987. Counsel are to make themselves available through this week..." filed.

01/12/1987 #134 Defendant's First Motion In Limine with Certificate of Service attached filed by Freda K. Fishman, associate general counsel, Department of Correction. (01/20/87: DENIED IN OPEN COURT, (LINSCOTT, J. MASTER)

01/12/1987 #135 Opposition To Issuance Of Writs Of Habeas Corpus For Inmates In Federal Custody filed by Atty Freda K. Fishman, Department of Corrections.

01/13/1987 #136 Affidavit of Robert McGuinness, Sergeant and Special Investigator to the Superintendent at MCI Cedar Junction filed.

01/14/1987 #137 Affidavit of Thomas Connolly, County and Interstate Classification Manager for the Massachusetts Department of Correction.

01/20/1987 #138 Writ Of Habeas Corpus issued for JAMES ANDERSON, returnable on: January 22, 1987 at 9:30 a.m... filed.

01/20/1987 #139 Writ of Habeas Corpus issued for ALBERT BLAKE, returnable on: January 22, 1987, at 9:30 a.m. filed.

01/20/1987 #140 Writ of Habeas Corpus issued for ALBERT LITTLE, returnable on: 22, 1987 at 9:30 a.m. filed.

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01/20/1987 #141 Writ of Habeas Corpus issued for ANTHONY PUCKETT, returnable on: January 22, 1987, at 9:30 a.m. filed.

01/21/1987 #142 MOTION To Protect Confidentiality Of Prisoners filed by Atty James R. Pingeon, Massachusetts Correctional Legal Services, Inc. filed. (01/20/87) THE WITHIN MOTION IS DENIED IN OPEN COURT, (LINSCOTT, J. MASTER)

01/21/1987 #143 Writ of Habeas Corpus issued for RALPH GOODRIDGE, returnable on: January 23, 1987, at 9:30 a.m.

01/21/1987 #144 Writ Of Habeas Corpus issued for JAMES GOODWIN, returnable on: January 23, 1987, at 9:30 a.m. filed.

01/21/1987 #145 Writ of Habeas Corpus issued for CHRISTOPHER KING, returnable on January 23, 1987, at 9:30 a.m. filed.

01/21/1987 #146 Writ of Habeas Corpus issued for JAMES STONE, returnable on: January 23, 1987, at 9:30 a.m. filed.

01/23/1987 #147 Writ of Habeas Corpus issued for SEAN McGRATH, returnable on: January 26, 1987, at 9:30 a.m.

01/23/1987 #148 Writ of Habeas Corpus issued for ROBERT DELLELO, returnable on: January 26, 1987, at 9:30 a.m. filed.

01/23/1987 #149 Writ of Habeas Corpus issued for THOMAS MARTEL, returnable on: January 26, 1987, at 9:30 a.m. filed.

01/23/1987 #150 Writ of Habeas Corpus issued for WILLIAM ROYCE, returnable on: January 26, 1987, at 9:30 a.m. filed.

01/28/1987 #151 Writ of Habeas Corpus issued for JAMES GOODWIN returnable on: January 28, 1987, at 9:30 a.m." filed.

02/05/1987 #152 Notice to Counsel/Parties: "The request of the plaintiffs' counsel to continue the trial date in the above matter from February 19, 1987 to February 20, 1987 has been granted by the Master, Judge Linscott. The trial will recovene on Friday, February 20, 1987 at 10:00 a.m. in Courtroom 906, Suffolk County Courthouse, Boston. The Court will not be inclined to grant any further continuances. Counsel should be prepared to go forward on this matter to completion." filed.

02/17/1987 #153 Writ of Habeas Corpus issued for KENNETH ROBINSON, returnable on: February 20, 1987 at 9:30 a.m. filed.

02/17/1987 #154 Writ of Habeas Corpus issued for ARNOLD SOARES, returnable on: February 20, 1987 at 9:30 a.m.

02/17/1987 #155 Writ of Habeas Corpus issued for JAMES McCORMICK, returnable on: February 20, 1987, at 9:30 a.m..." filed.

02/17/1987 #156 Writ of Habeas Corpus issued for JOHN TARRANT, returnable on: February 20, 1987, at 9:30 a.m.." filed.

03/20/1987 #157 Copy of letter to Susan Mellen, assistant clerk from James R. Pingeon, Massachusetts Correctional Legal Services enclosing (1) an attested copy of a motion filed by Ronald Stokes, and allowed by Judge Delvecchio, permitting Mr. Stokes to tape

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record his DSU hearings, and (2) a copy of the tape..DSU hearing held for Mr. Stokes on December 12, 1986 at MCI Cedar Junction..with Attachment filed.

04/22/1987 #158 Joint Motion to Enlarge Time To File Briefs Of Proposed Findings Of fact from April 30, 1987 to May 15, 1987 with Certificate of Service attached filed by counsel. (04/22/87, ALLOWED, LINSCOTT, J., MASTER)

05/12/1987 #159 MOTION For Enlargement With Assent filed by parties saying.." Plaintiffs...request this Court for an enlargement of two weeks to May 29th, within which the parties shall file their trial briefs.. Counsel anticipates no further delays..."

05/29/1987 #160 Letter to Susan Mellen, first assistant clerk from Atty Lena M. Wong, Department of Correction saying "...Defendant's counsel is asking that the Court enlarge the time for filing briefs on proposed findings of fact to June 12, 1987...Plaintiff's counsel has assented...(5/29/87 ALLOWED, LINSCOTT, J. MASTER)

06/15/1987 #161 MOTION For Enlargement of one week to June 22, 1987, for plaintiffs to file post-trial memorandum with Certificate of Service attached filed by Atty Barry Barkow, Massachusetts Correctional Legal Services.

06/22/1987 #162 Defendant's Proposed Findings And Conclusions of Fact filed by Attys Freda K. Fishman and Lena M. Wong, Department of Correction.

06/22/1987 #163 Memorandum In Support of Defendant's Proposed Findings and Conclusions Of Fact filed by Attys Freda K. Fishman and Lena M. Wong, Department of Correction.

06/22/1987 #164 Plaintiffs' Post-Trial Memorandum with Attachment One filed by Attys Barkow and James R. Pingeon, Massachusetts Correctional Legal Services.

07/16/1987 #164.1 Letter to Joseph A. Sinnot from Clerk's office saying.."Judge Linscott, after discussion with the attorneys in the above case, has directed this office to return your letter dated may 29, 1987, to you. He has suggested that you might send copies of this letter to the attorneys listed below...Attys Barry Barkow, Correctional Legal Services...and Freda Fishman, Department of Correction" with Attachment filed.

07/10/1987 #165 Master's Draft Report filed.

07/16/1987 #166 Master's Final Report as on file. (LINSCOTT, J., MASTER)

07/16/1987 *****FOLDER NO. 4 ENDS*****

07/16/1987 *****FOLDER NO. 5 BEGINS*****

08/04/1987 #167 MOTION Of The Parties RE: Supplemental Briefs with Certificate of Service attached filed by counsel. (08/04/87 ALLOWED, LIACOS, J.)

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08/05/1987 #167.1 Notice to counsel, regarding paper number 167 filed.

09/15/1987 #168 Notice to Counsel/Parties: "Please be advised that pursuant to the court Order dated August 4, 1987, the parties have until September 30, 1987 to file objections to the Master's Report...." filed.

09/28/1987 #169 Joint Motion To Enlarge Time To File Responses and Objections to the Master's Final Report with Certificate of Service attached filed by counsel. (9/29/87 ALLOWED, LIACOS, J.)

09/28/1987 #170 Notice to counsel, regarding paper number 169 filed.

10/14/1987 #171 MOTION To Amend Complaint With Claims For Compensatory And Punitive Damages pursuant to Massachusetts Rules of Civil Procedure 15 with Certificate of Service attached filed by Atty Barry Barkow, Mass. Correctional Legal Services, Inc. (See Memorandum, Order, and Judgment #11, p. no. 182)

10/14/1987 #172 Memorandum In Support Of Motion To Amend Complaint With Claims For Compensatory And Punitive Damages filed by Atty Barry Barkow, Massachusetts Correctional Legal Services, Inc.

10/14/1987 #173 Plaintiffs' Memorandum Regarding The Master's Final Report with Attachment A-F filed by Attys Barry Barkow and James Pingeon, Massachusetts Correctional Legal Services.

10/14/1987 #174 Defendant's Objections To Certain Findings Of The Final Report Of The Special Master And Request For Additional Findings with Exhibit A-C and Certificate of Service attached filed by Atty Freda K. Fishman, Department of Correction.

10/21/1987 #175 MOTION To Strike Affidavit of Michael T. Maloney (Superintendent), which is attached to the Defendant's Objections To Certain Findings Of The Final Report Of Special Master And Request for Additional Findings with Certificate of Service attached filed by Attys Barry Barkow and James Pingeon, Mass. Correctional Legal Services (See Memorandum, Order, and Judgment #11, p. no. 182)

11/06/1987 #176 Opposition To Plaintiffs' Motion To Strike with Certificate of Service attached filed by Atty Freda K. Fishman, Department of Correction.

11/06/1987 #177 Opposition To Plaintiffs' Motion To Amend Complaint filed by Attys Freda K. Fishman and Lena Wong, Department of Correction.

11/06/1987 #178 Defendant's Motion To Strike Plaintiffs' Supplemental Memorandum filed by Atty Freda K. Fishman, Department of Correction. (See Memorandum, Order, and Judgment #11, p. no. 182)

11/18/1987 #179 Letter dated November 12, 1987, to Justice Liacos from Carl Hoffer filed.

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12/01/1987 #180 Defendant's Memorandum On The Federal And State Constitutional Standards Regarding Placement In And Release From Segregation with Certificate of Service attached filed by Atty Freda K. Fishman, Department of Correction.

12/01/1987 #181 Plaintiff's Memorandum Of Procedural Requirement Relating To Incarceration In Segregation Units with Certificate of Service attached filed by Attys Barry Barkow and James Pingeon, Massachusetts Correctional Legal Service.

03/03/1988 #182 Memorandum and Order & Judgment #11 with Exhibit H attached, as on file. (Liacos, J.)

03/23/1988 #183 Letter to Justice Liacos from Robert Wilson, Block Ten D.S.U. #32 with Exhibit A-G attached filed.

03/23/1988 #183.1 Letter to Parties/Counsel from S.J.C. for Suffolk County saying "Please be advised that Robert Wilson, a Walpole inmate, has filed a letter in the above captioned case. If you would like copies of same, kindly write to this office."

04/27/1988 #184 Defendants' Motion To Enlarge Time by which to file documents up to and including May 17, 1988.. filed by Atty Lena M. Wong, Department of Correction. (4/20/88 THE WITHIN MOTION IS ALLOWED. PLAINTIFFS TO HAVE ADDITIONAL FOURTEEN (14) DAYS TO COMMENT.) (Liacos, J.)

04/28/1988 #185 Notice to counsel, regarding paper number 184 filed.

05/13/1988 #185.1 Letter to Susan Mellen, assistant clerk from Atty James R. Pingeon, Massachusetts Correctional Legal Services saying..."it is our intention to file a Motion for Interim Relief in order to address the serious concerns about current conditions in the DSU which have been expressed in the numerous letters forwarded to us at the direction of Justice Liacos..we are hopeful to file this Motion..during the week of May 16, 1988.." filed.

05/17/1988 #186 Defendant's Response To Memorandum, Order, And Judgment Dated March 3, 1988 re: providing certain information regarding the Department Segregation Unit...and "Awaiting Action" Status, and requesting modification of the Court's Order"...with Attachments filed by Atty Charles M. Wyzanski and Lena M. Wong, Department of Correction.

06/06/1988 #187 MOTION To Enlarge Time...to June 15, 1988 for filing of comments re. Defendant's Response to Memorandum, Order, and Judgment Dated March 3, 1988, filed by Atty James R. Pingeon, Massachusetts Correctional Legal Services, Inc. (6/6/88 MOTION TO ENLARGE IS ALLOWED, LIACOS.

06/07/1988 #188 Notice to counsel, regarding paper number 187 filed.

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06/15/1988 #189 Plaintiffs' Comments On Defendant's Response To Memorandum, Order, and Judgment with Attachments filed by Atty James R. Pingeon, Massachusetts Correctional Legal Services.

06/20/1988 #190 MOTION For Interim Relief with Exhibit 1-16 attached filed by Atty James R. Pingeon, Massschusetts Correctional Legal Services.

06/20/1988 #191 Certificate of Service of Motion for Interim Relief filed by Atty James R. Pingeon, Massachusetts Correctional Legal Services.

06/20/1988 *****FILE NO. 5 ENDS*****

06/20/1988 *****FILE NO. 6 BEGINS*****

06/24/1988 #192 Letter to To All Parties: "Please be advised that Mr. Justice Liacos has scheduled a hearing on the plaintiff's Motion for Interim Relief on July 7, 1988 in the Full Court Room at 10:00 a.m. filed.

07/07/1988 #193 Appearance of Atty James R. Pingeon for Massachusetts Correctional Legal Services, Inc. filed.

07/07/1988 #194 Appearance of Atty Charles Wyzanski for defendant, Michael V. Fair, Commissioner of Correction filed.

07/07/1988 #195 Appearance of Atty Lena M. Wong for defendant, Michael V. Fair, Commissioner of Corrections filed.

07/07/1988 #196 Appearance of Atty Barry Barkow for plaintiffs, Hoffer, et al filed.

07/07/1988 #197 Affidavit of Stephen T. Glavin, Senior Investigator in the Investigations Unit, employee of Massachusetts Department of Correction filed.

07/07/1988 #198 Affidavit of William Macomber, Correction Officer and currently President, Local 451 of Council 93 of American Federation of State, County, and Municipal Employees filed.

07/07/1988 #199 Affidavit of Patrick Smith, Correction Officer (Sergeant) and currently Vice-President of Local 451 of Council 93 of American Federation of State, County, and Municipal Employees filed.

07/07/1988 #200 Affidavit of Brian Gendron, Associate Commissioner of Operations for the Department of Correction filed.

07/07/1988 #201 Affidavit of Michael T. Maloney, Superintendent of M.C.I. Cedar Junction with Exhibits 1-3 attached filed.

07/07/1988 #202 Memorandum In Opposition to Plaintiffs' Motion For Interim Relief, filed by Attys Charles M. Wyzanski and Lena M. Wong, for Department of Correction.

07/07/1988 #203 Certificate of Service of Defendant's Memorandum In Opposition to Plaintiffs' Motion For Interim Relief, Affidavit of Stephen Galvin, Affidavit of Michael Maloney, Affidavit of Brian

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- Gendron, Affidavit of Patrick Smith, Affidavit of William Macomber and copies of monthly reports for May and June 1988 of Awaiting Action and DSU inmates by hand to MCLS, 8 Winter Street, Boston, MA filed by Atty Charles M. Wyzanski, Department of Correction.
- 07/13/1988 #204 Plaintiffs' Request For Production Of Documents To Defendant: Third Set WITH PLAINTIFFS INTERROGATORIES TO DEFENDANT: THIRD SET attached filed by Atty James R. Pingeon, Massachusetts Correctional Legal Services.
- 07/13/1988 #205 Certificate of Service for Plaintiffs' Interrogatories to Defendant: Third Set, and Plaintiffs' Request of Production of Documents: Third Set filed by Atty James R. Pingeon, Massachusetts Correctional Legal Services, Inc.
- 07/21/1988 #205.1 Certificate of Service filed.. "I, Lena Wong, counsel for the Department of Correction hereby certify that on this 19th day of July 1988, I served a copy of the foregoing List of awaiting action inmates at MCI-Cedar Junction during June, 1988, and Results of DSU Board of June, 1988, on the plaintiffs' counsel, James Pingeon, Esquire by first class mail, postage prepaid to him at his address: MCLS, 8 Winter Street, Boston, MA 02108.." filed.
- 07/22/1988 #206 Letter to Hon Paul J. Liacos from Atty James Pingeon, Massachusetts Correctional Legal Services saying "...plaintiffs submit the following nominees who would be willing to serve as monitors should the Court allow Prayer 1 of the Motion for Interim Relief: Abt Associates, Inc.; Barry Phillips..." filed.
- 07/28/1988 #207 ORDER No. 12, as on file. (Liacos, J.) "...it is ORDERED that... "Paper No. 1, "ORDER" entered on February 25, 1985, is designated as #1; Paper No. 38, "Order" entered on July 31, 1985, is designated as #1A; Paper No. 12, "Order" entered on April 8, 1985, is designated as #2; Paper No. 20, "Order" entered on June 11, 1985, is designated as #3; Paper No. 45, "Scheduling Order and Order of Reference entered on December 10, 1985, is designated as #7; Paper No. 109, "Order for Payment" entered on September 9, 1986, is designated as #8; paper No. 110, "Memorandum and Order" entered on September 9, 1986, is designated #9; Paper No. 114, "Order" entered on September 19, 1986, is designated #10; and Paper No. 182, "Memorandum, Order, and Judgment" entered on March 3, 1988, is designated #11."
- 07/28/1988 #208 ORDER No. 13, as on file. (Liacos, J.) "...it is ORDERED that: 1. The Commissioner, no later than September 1, 1988, shall file with the Court copies of any interim reports by Senior Investigator Glavin, as well as a copy of the final report of Glavin's Investigation into "the allegations of inmates regarding conduct of staff members employed in the West Wing

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Segregation Unit.. 2. The Commissioner shall file with the Court, by September 1, 1988, the identity of the independent (outside) consultant or consultants chosen by him who will be reviewing "departmental and institutional policies, practices, and regulations regarding the use of force and application of chemical agents on inmates..."; any further definition of that assignment; and a copy of each report filed by the consultant or consultants." The Plaintiffs' request that the Commissioner be ordered to provide private attorney-client interviews in the DSU is denied as being unnecessary. In Order No. 4, entered June 20, 1985, I specified: "There shall be no auditory monitoring by the Department...of conversations between MCLS attorneys or paralegal and their DSU inmate clients. Visual monitoring of visits between MCLS attorneys or paralegal and DSU inmates is permitted. During meetings between the MCLS attorneys or paralegal and their clients, the Department...staff or employees must be far enough away from the site of the meetings that they cannot overhear conversation between the attorney or paralegal and client." I renew that requirement; direct the Commissioner to inform all appropriate Department personnel of its contents and of the need to adhere to it scrupulously; and order the Commissioner to enforce it meticulously." 4. Action on the Plaintiffs' request that "the use of chemical agents against DSU prisoners who are confined in their cells (be enjoined) absent a finding that a prisoner poses a clear, immediate, and actual threat of serious bodily injury to another"; and that the Commissioner "ensure that legal mail be delivered unopened to prisoners in the DSU" is deferred. The Department's policy governing the use of force by its employees is enunciated in 103 CMR 505.00 and rules regulating the sending and receiving of mail, including privileged correspondence, are contained in 103 CMR 481.00. I order the Commissioner to act to ensure a) that all appropriate personnel are aware of the contents of those regulations and of the need to honor them; and b) that the regulations are fully implemented. See, *Royce v. Commissioner of Correction*, 390 Mass. 425, 427 (1983) (once an agency has promulgated regulations, it must comply with them). 5. The Plaintiffs' request that the Commissioner be ordered to produce documents concerning the use of force within the DSU is denied, without prejudice to its being renewed, on the understanding that the Plaintiffs will first take other steps to obtain the material, to include making a request under Mass. R. Civ. P. 34. The Plaintiffs' request for the appointment of a committee to monitor the use of force within the DSU remains under consideration.

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- 07/28/1988 #209 Letter to Hon. Paul J. Liacos from Atty Charles M. Wyzanski saying.."On behalf of the defendant Commissioner, I have today filed...a Motion for Enlargement of Time together with Stephen T. Glavin's supporting affidavit...I want to assure the Court that the Department is proceeding as expeditiously as possible to meet its commitments to the Court.." filed.
- 07/29/1988 #210 Notice to counsel, regarding paper number #207 and 208 filed.
- 08/03/2007 #210.1 Letter to Susan Mellen, assistant clerk from Atty Lena M. Wong, for Department of Correction saying "Pursuant to our telephone conversation of August 2, 1988, this confirms that the Court's Order of July 28, 1988, moots the necessity of any action on Defendant's Motion To Enlarge Time by which to file Steven Glavin's report." filed.
- 08/12/1988 #211 Letter to Susan Mellen, assistant clerk from Atty Lena M. Wong, Department of Correction saying.."Enclosed..find for filing the following documents 1) Departmental Segregation Unit Review Board for July, 1988; and 2) List of Awaiting Action Status inmates for July, 1988..." filed.
- 08/26/1988 #212 Defendant's Response to Plaintiffs' Third Set Of Requests For Production Of Documents filed by Attys Charles M. Wyzanski and Lena M. Wong, Department of Correction.
- 08/26/1988 #213 Certificate of Service for Defendant's Response To Plaintiffs' Third Set of Requests For Production Of Documents filed by Atty Charles M. Wyzanski.
- 08/26/1988 #214 Defendant's Answers To Plaintiff's Third Set Of Interrogatories with Certificate of Service attached filed by Atty Charles M. Wyzanski, Department of Correction.
- 08/31/1988 #215 Letter to Susan Mellen, assistant clerk from Atty Charles M. Wyzanski saying "Pursuant to Order #13...enclosed is a copy of the "Investigative Summary and Findings" regarding inmate allegations of staff members in the West Wing Segregation unit. This incorporates all the reports of Senior Investigator Glavin...With reference to paragraph 2 of Order #13, I have been assured by the independent outside consultant, Philip Coombe, Jr., that I will be receiving and able to file his report with the Court no later than September 15, 1988." filed.
- 09/13/1988 #216 Letter to Susan Mellen, assistant clerk from Atty Charles M. Wyzanski, Department of Correction, saying.."Pursuant to paragraph 2 of Order #13...enclosed for filing..report of the independent outside consultant..with Copy of Report attached filed.
- 09/13/1988 #217 Certificate of Service filed by Atty Lena M. Wong, Department of Correction saying.."served a copy of the foregoing Department Segregation Unit Reviews and Awaiting Action Status Reports reviews for the month of August, 1988 on Atty James Pingeon.."

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- 10/20/1988 #218 Certificate of Service filed by Atty Lena M. Wong, Department of Correction saying.."I served a copy of the foregoing reports for Departmental Segregation Unit and Awaiting Action Status inmates for September, 1988, on the plaintiffs counsel, James Pingeon"
- 10/21/1988 #219 Letter to Michael V. Fair, Commissioner of Insurance from Susan Mellen, assistant clerk saying.."Justice Liacos has reviewed the Report prepared by Deputy Commissioner, Philip Coombe, Jr., the consultant you selected to review Departmental, as well as institutional policies, practices, and regulations regarding the use of force and the application of chemical agents on inmates. Justice Liacos....requests that you file by November 15, 1988 a report which describes: 1. the action you have taken to respond to the Report by Mr. Coombe; 2. the action you plan to take and the schedule you will follow; 3. any action which you have taken or which you plan to take (and a related timetable) to supplement your implementation of Mr. Coombe's recommendation;) 4. the recommendations of Mr. Coombe with which you disagree, in whole or in part, if any, and the reasons for your rejection of them; and, 5. any other information concerning the use of force and/or the application of chemical agents which you wish to bring to the attention of Justice Liacos.." filed.
- 10/21/1988 #220 Copy of letter to Michael V. Fair, Commissioner of Corrections from Susan Mellen, assistant clerk saying.."Justice Liacos has reviewed the final report of Senior Inspector Glavin concerning inmate allegations about the conduct of certain staff members assigned to the West Wing Segregation Unit. Justice Liacos requests that you file by November 15, 1988, a report which describes: 1. the action you have taken to implement the recommendations of Senior Inspector Glavin; 2. the action which you plan to take and the schedule you will follow; 3. any action which you have taken or which you plan to take (and a related timetable) to supplement your implementation of Senior Inspector Glavin's recommendation; 4. the recommendations of Senior Inspector Glavin with which you disagree, in whole or in part, if any, and the reasons for your rejection of them; and, any other information concerning the training and conduct of staff assigned to that Unit which you wish to bring to the attention of Justice Liacos.." filed.
- 10/26/1988 #221 Plaintiffs' Comments On Monthly Reports of DSU Placement And Review Proceedings with Exhibit 1-22 attached filed by Attys Barry Barkow James R. Pingeon, Massachusetts Correctional Legal Services, Inc.
- 11/16/1988 #222 Letter to Susan Mellen, assistant clerk from Atty Lena M. Wong, Department of Correction, saying.."Enclosed...find for filing the October reports for Departmental Segregation Unit

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and Awaiting Action Status inmates" filed.

11/16/1988 #223 Certificate of Service of October Reports for Departmental Segregation Unit and Awaiting Action Status inmates, on the plaintiffs..." filed.

12/23/1988 #224 Memorandum and Order, #14, as on file. (Liacos, J.) "...it is hereby ORDERED that: 1. The Commissioner is to file with the Court and with plaintiffs' counsel, for October, November, and December, of 1988; and for January, 1989: a. reports which indicate, for each inmate held in Awaiting Action Status in the West Wing Segregation Unit-name, date of placement, date of release (if any) and reasons(s) for the placement and reasons) which extend that stay; b. copies of all recommendations and decisions regarding initial DSU placement and those from all ninety-day reviews, to include the Commissioner's action thereon. 2. The Commissioner is to file with the Court and with plaintiffs' counsel, a report on the status of Project 86-459, described in his response (p.4) as proposing "the design of a new segregation building at M.C.I. Cedar Junction" which would include "an area for out-of-cell indoor exercise for all DSU inmates." 3. The Commissioner is enjoined from: a. Acting under 103 CMR 421.00: Segregation Units (1978 or 1986) after March 3, 1989; b. Adopting the draft of 103 CMR 421.00: Departmental Segregation Units, submitted as Exhibit D to his Response to Order No. 11. 4. The Commissioner is directed to file with the Court and with plaintiffs' counsel within forty-five days of the entry of this Order, a draft of regulations intended to replace 103 CMR 421 (1978 and 1986) and which will meet the statutory standards and constitutional commands presented in this Order and in Order no. 11. 5. Within twenty days of the entry of this Order, the parties may, acting jointly or separately, file a request that I reserve and report to the full bench this interim Order, and Order no. 11. 6. Either party may seek further hearing on other motions pending before the Court to the extent the subject matter of these motions is not covered by this order.."

12/23/1988 #225 Notice to counsel, regarding paper number 224 filed.

12/23/1988 *****FOLDER NO. 6 ENDS*****

12/23/1988 *****FOLDER NO. 7 BEGINS*****

01/18/1989 #226 Letter to Susan Mellen, assistant clerk from Atty Lena Wong, Department of Correction, saying..."..find for filing the Departmental Segregation Review Boards for the month of December, 1988, as well as the list of Awaiting Action inmates for the month of December."

02/03/1989 #227 Defendant's Motion to Enlarge Time for submission of draft of regulations to replace 103 CMR 421 (1978 and 1986) filed by Atty Charles M. Wyzanski, for Department of Correction.

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(2/3/89: ALLOWED, LIACOS, J.)

- 02/03/1989 #228 Notice to counsel, regarding paper number 227 filed.
- 02/22/1989 #229 Letter to Susan Mellen, assistant clerk from Atty Lena M. Wong Department of Correction saying..."..please find for filing in the above case copies of Departmental Segregation Unit (DSU) review boards for January, 1989, and a list of the Awaiting Action Status inmates for January, 1989. Also enclosed are results of DSU boards held in late December..." filed.
- 02/22/1989 #230 Letter to Susan Mellen, assistant clerk from Atty Charles M. Wyzanski for Department of Correction saying.."Enclosed..find the substantially revised draft regulations which are intended to replace 103 CMR 421 and 430 if they are adjudged to achieve compliance with Court Order Nos. 11 and 14..." with Draft Regulations attached filed.
- 03/02/1989 #231 ORDER #15, as on file. (Liacos, J.) "In order to permit the plaintiffs to respond to the draft regulations most recently filed by the Commissioner, and to permit the Court to fully analyze those submissions, it is hereby ORDERED that: The date of March 3, 1989 specified in item 3.a on page 10 of Order #14 is deleted and the following is inserted in place thereof: April 3, 1989, or upon further order of the Court."
- 03/02/1989 #232 Notice to counsel, regarding paper number 231 filed.
- 03/24/1989 #233 ORDER #16, as on file. (Liacos, J.) "In order to enable the Court to analyze the comments to be filed by the plaintiffs concerning the draft regulations most recently filed by the Commissioner, it is hereby ORDERED that: The effective date of the injunction specified in item 3.a on page 10 of Order #14, as amended by Order #15, is suspended until further order of the Court."
- 03/24/1989 #234 Notice to counsel, regarding paper number 233 filed.
- 03/29/1989 #235 Letter to Susan Mellen, assistant clerk from Atty Lena M. Wong, Department of Correction, saying.."find copies of Departmental Segregation Unit..review board hearings for the month of February, 1989, and a list of the Awaiting Action Status inmates for February, 1989..." with Certificate of Service attached filed.
- 04/20/1989 #236 Letter to Susan Mellen, assistant clerk from Atty Lena M. Wong, Department of Correction, saying.."Enclosed are Departmental Segregation Review Boards for March 1989, as well as a list of MCI-Cedar Junction inmates who were on Awaiting Action Status during March, 1989...enclosed are results of DSU Board held in late February 1989." filed with Certificate of Service.

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- 04/20/1989 #237 Letter to Susan Mellen, assistant clerk from Atty Lena M. Wong, Department of Correction saying.."Enclosed are Departmental Segregation Review Boards for April, 1989, as well as a list of MCI-Cedar Junction inmates who were on Awaiting Action Status during April, 1989....with Certificate of Service attached filed.
- 06/12/1989 #237.1 Letter to Susan Mellen, assistant clerk from Atty Lena M. Wong saying.."Enclosed please find for filing...the list of MCI-Cedar Junction inmates on Awaiting Action Status during May, 1989, as well as Departmental Segregation Unit Review Boards for May, and the final decisions for DSU boards held in late April, 1989." with Certificate of Service attached.
- 06/22/1989 #238 Plaintiffs' Memorandum In Opposition To Defendant's Proposed DSU and Disciplinary Regulations with Exhibit A and Certificate of Service filed by Attys Barry Barkow and James R. Pingeon, Massachusetts Correctional Legal Services, Inc. filed.
- 08/22/1989 #238.1 Letter to Susan Mellen, assistant clerk from Atty Lena M. Wong Department of Correction saying.."please find the Departmental Segregation Unit Board for July; the final decisions of boards held earlier this year, and the inmates on Awaiting Action Status in July, 1989..." filed.
- 09/19/1989 #239 Memorandum and Order & Judgment #17, as on file. (Liacos, J.) ..."I enter the following orders and partial judgment..it is hereby ordered and adjudged that: 1. The Commissioner is enjoined from: a. Acting under 103 CMR 421.00; Segregation Units (1978 or 1986) after October 4, 1989; b. Adopting the draft of 103 CMR 421.00: Departmental Segregation Units, submitted as Exhibit D to Paper No. 162; c. Adopting the draft of 103 CMR 421.00: Segregation Units filed on February 22, 1989 (Paper No. 230). 2. The requirements to be followed by the Department, as of October 5, 1989 when considering the transfer of inmates to, in reviewing the confinement of inmates in, and in operating the departmental segregation units shall meet the following minimum requirements. a. An inmate may be considered by a segregation board for transfer to a DSU only after a referral of that inmate by the Commissioner based upon a finding by the Commissioner that the record of the inmate or other reliable information indicates that the inmate poses a substantial threat: 1) to the safety of others; 2) of damaging or destroying property; or, 3) to the operation of a state correctional facility. b. An inmate shall not be referred to a segregation board, based on his having committed a specific punishable offense, unless a disciplinary board has found him guilty of such specific offense and imposed a sanction pursuant to 103 CMR 430.00: Disciplinary Proceedings (1987), and unless the Commissioner has made a finding in

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accordance with the preceding paragraph ("a). c. The Commissioner and the Department shall comply with the requirements contained in the provisions of 103CMR 430.11 through 430.18 (Disciplinary Proceedings, 1987), as modified or supplemented by items 1-12 from Order No. 11 (at pp. 36-38):... 1) That written notice of the meeting be given to the inmate, and upon request to his representative, at least three days before the meeting. 2) That the notice contain a description of the board and its powers, the procedure to be followed at the meeting, the reason for the meeting, and the time and place for the meeting. The notice shall also inform the inmate of the information on which the board may rely so that the inmate may prepare to discuss that information. 3) That a case worker or case manager attend all such meeting and assist the inmate; 4) That the inmate have the opportunity to discuss with a case manager and his representative all matters relevant to the meeting and that the case manager make available to the inmate or to his representative those portions of his correctional facility file that may be disclosed. 5) That the inmate be permitted to request that the board record the meeting and that the board then be required to do so. 6) That the inmate be allowed to confront and cross-examine adverse witnesses when permitting him/her to do so would not be unduly hazardous to personal safety or institutional security. If the confrontation or cross-examination of any witness is denied the prisoner, a written statement of reasons shall be incorporated in the board's report. 7) That the board explain in writing on the record why, if applicable, it suppressed evidence tending to impeach an informant's credibility. 8) That the inmate be permitted to file a written statement of his objections to any recommendation of transfer to or retention in a DSU as part of the appeal process. 9) That the appeal process be structured so as to involve the Deputy Commissioner for Classification and Treatment (or someone in a similar capacity) as in 103 CMR 420.13 (m)(n) and (p), dated 1/1/78. 10) That the board explain on the record why it excluded the inmate and/or his representative from any portion of the hearing. 11) That the inmate be given oral notification by the board of its recommendation. 12) That the Commissioner give the inmate a written explanation of his decision. d. The Commissioner shall order that the DSU inmate status review procedure for release from the DSU shall be conducted in accordance with the discussion in Order No. 11 (at pp.43-47); he shall provide for and require: 1) frequent periodic reviews after transfer of an inmate to a DSU; 2) suggested factors for the board to consider; 3) a recommendation from the board, each time, for release of the inmate or..a date on which the inmate shall be released if the inmate meets the conditions set by the board; 4)

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approval by the Commissioner of the recommendation or a written explanation of his refusal accompanied by his designation of a release date and any related conditions, as well as a statement when the retention of the inmate is for administrative not disciplinary reasons; 5) release upon reaching the recommended date and meeting the specified conditions; and for 6) conditions which acknowledge that placement and retention are not disciplinary and thus are specifically related to the administrative reason for the placement in the DSU. e. An expanded range of activities and privileges reflecting the direction of G.L. c. 127, sec. 32 and the discussion in Order No. 11 (at pp.39-42). f. The provision of the same meals, opportunities for personal hygiene bedding supplies and laundry services as are available to inmates in the general population; the opportunity to exercise outside of their cells at least one hour a day five days per week, outside if weather permits; and access to programs which emphasize rehabilitation (see Order No. 11 pp. 39-42). 3. The Commissioner shall implement, until further order of this Court, his proposal regarding review of Awaiting Action Status. 4. The requirements of paragraphs 2 and 3 are to apply to those inmates held in the DSU's and those held in Awaiting Action Status as of October 4, 1998, as well as to inmates so confined after that date. 5. Since this action began and since my prior orders were issued, I have been appointed Chief Justice of the Commonwealth. While I retain my interest in this proceeding, the many other duties I have assumed make it impracticable that I give this case the attention it deserves....under my powers of assignment as Chief Justice, I assign this case and all further proceedings, hearing, and rulings to my successor as Associate Justice, name Justice John Greaney, effective on the release of this Order and Partial Judgment."

09/19/1989 #240	Notice to counsel, regarding paper number #239 filed.
10/04/1989 #241	Motion For Partial Clarification regarding Memorandum, Order and Judgment-#17 with Certificate of Service attached filed by Attys Charles M. Wyzanski and Lena M. Wong, Department of Correction.
10/05/1989 #242	Plaintiffs' Motion to Enjoin Defendant Commissioner of Correction from Acting Under 103 CMR 421.00 (1989) with Certificate of Service attached filed by Attys Barry Barkow and James R. Pingeon, Massachusetts Correctional Legal Services.
10/11/1989 #243	Memorandum In Opposition To Plaintiffs' Motion to Enjoin Defendant Commissioner of Correction From Acting Under 103 CMR 421.00 (1989) with Certificate of Service attached filed by Attys Charles M. Wyzanski and Lena M. Wong, Department of

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Correction.

10/16/1989 Hearing held before Greaney, J.

10/16/1989 #244 Appearance of Atty Charles M. Wyzanski for Michael V. Fair, for the defendants filed.

10/16/1989 #245 Appearance of Atty James Pingeon for the plaintiffs filed.

10/16/1989 #246 Appearance of Atty Barry Barkow for plaintiffs filed.

10/16/1989 #247 Plaintiffs' Opposition To Motion For Partial Clarification filed by Attys Barry Barkow and James R. Pingeon, Massachusetts Correctional Legal Services, Inc.

10/16/1989 #248 Affidavit of Sandra Babcock, Harvard Prison Legal Assistance Project filed.

10/16/1989 #249 Plaintiffs' Comments on 103 CMR 421.00: Departmental Segregation Units (1989) filed by Attys Barry Barkow and James R. Pingeon, Massachusetts Correctional Legal Services, Inc.

10/19/1989 #250 ORDER No. 18, as on file. (Greaney, J.)...".The Commissioner of Correction is authorized to continue to operate the Departmental Segregation Units according to 103 CMR 421.00 (1989) until further order of the Court. This temporary authorization is not to be construed as a decision by the Court that the regulations comply fully with Memorandum, Order and Judgment - #17, and related Orders. ...the Commissioner is notified that at a later date the Court may determine that action taken under the authority of these regulations will be reviewed and possibly revised. 2. Counsel for the parties are to confer in order to attempt to reconcile their disagreements about the contents and the appropriate interpretation of the provisions of 103 CMR 421.00 (1989). Counsel are requested to: a. file a joint report on October 30, 1989 of the status of the reconciliation efforts; b. file a joint report on November 16, 1989 indicating what has been accomplished and what remains to be resolved; c. appear for a hearing on November 20, 1989, at 11:00 a.m. Counsel are to do their level best to resolve the matters inasmuch as it appears to the Court that the points which now divide counsel are subject to reasonable negotiation." filed.

10/19/1989 #251 Notice to counsel, regarding paper number 250 filed.

10/31/1989 #252 Status Report of the Parties filed..."Counsel have conferred in order to attempt to reconcile their disagreements about the contents and the appropriate interpretation of the provisions of 103 CMR 421.00 (1989)..Discussions have been productive..Counsel will file a detailed report, as ordered, on November 16, 1989."

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- 11/18/1989 #253 Joint Report Of The Parties filed.."a revised 103 CMR 421 has been tentatively agreed upon..Two disputed areas remain..these will be resolved after consultation with counsel's respective clients..It remains for counsel to consult with their clients to secure approval of the tentatively revised CMR and for counsel to jointly review the forms which will be used by the Department of Correction to ensure compliance with the proposed CMR..Counsel anticipate that this process will be completed by December 1, and that a formal report will be presented to the Court on that date.."
- 12/04/1989 #254 Joint Report Of The Parties filed.."The parties hereby report that those disagreements which resulted from the issuance of 103 CMR 421.00 (1989) have been resolved..and herewith submit a proposed version for this Court's approval. The parties intend that this version comply fully with all previously issued Orders in this case...The parties intend to meet further in order to attempt to define and resolve the remaining issues in this litigation."
- 02/16/1990 #255 Joint Motion To Enlarge Time from February 16, 1990 to March 2, 1990 the time for submission of their Joint Report on the status of negotiations concerning...disputed matters.." filed. (2/20/90 MOTION ALLOWED, (Greaney, J.)
- 02/26/1990 #256 Letter from Atty Lena M. Wong to Susan Mellen, assistant clerk saying.."Enclosed are the Departmental Segregation Unit Review Boards held in January, 1990; the final decisions of boards held earlier; and a list of inmates on Awaiting Action Status in January, 1990..." with Certificate of Service attached filed.
- 03/02/1990 #257 Plaintiffs' Motion To Enlarge Time from March 2, 1990 to March 12, 1990 the time for submission of their Memorandum on Damages.." filed. (3/2/90: MOTION ALLOWED, (Greaney, J.)
- 03/02/1990 #258 Status Report of the Parties filed.."Counsel have conferred on three of the unresolved matters raised at the December 13, 1989 conference: 1. USE OF FORCE REGULATIONS: Defendants are in the process of preparing for plaintiffs' review a description of all changes which have been made in Use of Force procedures as a result of recommendations in the consultant's report. Defendants shall also describe which recommendations they have declined to adopt and the reasons..2. CLOTHING: Counsel believe they have reached an impasse regarding the enforcement of jumpsuit requirements in light of the recently promulgated regulations and the decisions in this case Counsel shall submit their respective positions to the Court. 3. PROJECTED RELEASE DATES: Counsel have been negotiating the appropriate application of projected release dates. Counsel will be meeting

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again within the next two weeks to determine whether an agreement on this point can be reached among the parties filed.

03/06/1990 #259 Notice to counsel, regarding paper number 257 filed.

03/13/1990 #260 Plaintiff's Memorandum In Support of Damages with Certificate of Service attached filed by Attys Barry Barkow and James R. Pingeon, Massachusetts Correctional Legal Services.

03/16/1990 #261 Defendant's Motion To Enlarge (Assented To) Time filed. "defendant moves that the time to respond to plaintiff's Memorandum In Support of Damages be enlarged up to and including July 9, 1990. Plaintiffs assent to this Motion..with Certificate of Service attached filed. (5/17/90) MOTION ALLOWED, (Greaney, J.)

06/11/1990 #262 Letter dated June 10, 1990 from Kurt King with Attachments filed. (Spoke with MCLS and they will deal with this matter. (SM 6-21-90)

07/09/1990 #263 Defendant's Motion To Enlarge (Assented-To) Time to respond to plaintiffs' Memorandum In Support of Damages up to and including August 3, 1990 with Certificate of Service attached filed.

08/06/1990 #264 Defendant's Memorandum In Opposition to Plaintiffs' Memorandum In Support Of Damages with Certificate of Service attached filed by Attys Lena M. Wong and Charles M. Wyzanski, Department of Correction.

08/13/1990 #265 Letter to Susan Mellen, assistant clerk from Atty James R. Pingeon, Massachusetts Correctional Legal Services saying..."..we..would like to file a reply to the Defendant's Memorandum In Opposition to Plaintiff's Memorandum In Support of Damages which was filed on August 6, 1990..." filed.

09/06/1990 #266 Plaintiffs' Reply To Defendant's Opposition To Plaintiffs' Motion To Amend Complaint filed by Attys Barry Barkow and James R. Pingeon, Massachusetts Correctional Legal Services.

09/25/1990 #267 Certificate of Service filed.."I Lena M. Wong, Counsel for the Department of Correction, hereby certify that on this 25th day of September, 1990, I served a copy of the foregoing list of MCI-Cedar Junction inmates on Awaiting Action Status during July, 1990, copies of Departmental Segregation Unit review board held in July, 1990, and decisions on DSU reviews held in June, 1990, on the plaintiff's counsel James Pingeon,..by first class mail...at his address: MCLS, 8 Winter Street, Boston, MA 02108.." filed.

09/21/2007 #268 List of MCI-Cedar Junction inmates on Awaiting Action Status during August, 1990 and the Departmental Segregation Unit Review Boards held in August, 1990 filed.

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10/12/1990 #269 ORDER-19, as on file, "it is hereby ORDERED: the Plaintiffs' Motion to Amend complaint with Claims for Compensatory and Punitive Damages is denied. This decision is based, primarily, upon the single Justice's denial in August, 1985 of the Commissioner's motion for a trial by jury...." (Greaney, J.).

10/15/1990 #270 Notice to counsel, regarding paper number 269 filed.

10/15/1990 *****FOLDER #7 ENDS*****

10/15/1990 *****FOLDER NO. 8 BEGINS*****

12/07/1990 #271 Letter to Susan Mellen, First Assistant Clerk from Atty Lena M. Wong, Department of Correction saying.."Enclosed is the list of Awaiting Action Status inmates at MCI Cedar Junction during October, 1990. Also enclosed are copies of Departmental Segregation Unit Reivew Board held in October, 1990...." filed.

04/23/1991 #272 Joint Motion to Amend Order of March 3, 1988, filed by Attys Lena M. Wong and James Pingeon, with Certificate of Service. (4/23/91: The within motion is allowed, (Greaney, J.)).

04/23/1991 #273 Notice to counsel regarding paper number 272 filed.

01/29/1992 #274 Plaintiff's Class Renewed Motion for Contempt and Compliance and Motion for T.R.O./Injunction on Defendant's Challenged New 1/23/92 D.S.U. Regulations filed by Michael Kevin DuPont, pro se,

01/30/1992 #275 Letter to Atty Charles M. Wyzanski from S. Mellen, assistant clerk saying..."Enclosed please find a copy of "Plaintiff's Class Renewed Motion for Contempt and Compliance and Motion for T.R.O./Impoundment on Defendant's Challenged 1/23/92 D.S.U. Regulations" which were received in this office on January 29, 1992. It appears that the enclosed may be beyond the scope of the Hoffer proceeding and at the direction of the Court this is to request your prompt comment on whether it should be referred to the Single Justice for separate treatment or included within Hoffer.." filed.

03/09/1992 #276 Plaintiff's Motion to Enjoin the Commissioner from Operating the Newly-Opened Segregation Unit at MCI Cedar Junction Except Under the Regulations Approved by this Court: 103 CMR 421.00 (1990) filed by Attys Barry Barkow and James R. Pingeon. (See Order #20, p. no. 295)

03/09/1992 #277 Plaintiffs" Memorandum In Support Of Motion To Enjoin The Commissioner From Housing Any Prisoner In The Departmental Disciplinary Unit Except In Accordance with the Regulations Approved By This Court: 103 CMR 421 (1990) with Attachment and Certificate Of Service filed by Attys Barry Barkow and James R. Pingeon, Massachusetts Correctional Legal Services.

03/10/1992 #278 Plaintiff's Motion for an Emergency Protective Order with Attachments filed. (see paper nos. 276 and 277)

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03/10/1992 #279 Motion to Intervene - As of Right- Interest of Transaction filed by Plaintiffs with Attachment.

03/10/1992 #279.5 Plaintiff's Memorandum of Law in Support of the Requested Emergency Protective Order with Certificate of Service attached filed.

03/10/1992 #280 Affidavit of John T. Todd in Support of Motion to Intervene and for Protective Order to Enforce the Prior Orders filed with Attachments.

03/10/1992 #281 Affidavit of Anthony Shehadi In Support of Motion to Intervene and Protective Order with Attachments filed.

03/10/1992 #282 Affidavits filed by William Tyree, Robert Gendreau, Gregg Isaia, Graig Campbell, Christopher McCauley, Donald Sparks, Frank Wallace, Sidney Roderick, Joseph DeLong, Marshall O'Brien, Harold Prentiss, Emanuel Faria, Thomas Doherty, David Josselyn, Bernard Lamoureux, Robert Grady, Emilian Paszko, Robert Sowell, Robert Wilson, James E. Connors, and Shawn Dickerson filed.

03/30/1992 #283 Plaintiff's Motion for an Order Requiring Restoration of Two Hour DSU Visitation Periods filed by Attys Barry Barkow and James R. Pingeon with Attachments. (See Order #20, p. no. 295)

03/30/1992 #284 Plaintiff's Motion for Leave to Amend Complaint filed by Attys Barry Barkow and James R. Pingeon, Massachusetts Correctional Legal Services with Attachments filed.

03/30/1992 #285 Certificate of Service of papers #283 and 284 filed by Atty James R. Pingeon, Massachusetts Correctional Legal Services filed.

04/02/1992 #286 Defendant's Memorandum in Opposition to Plaintiffs' Motion to Enjoin the Commissioner of Correction from Opening the Department Disciplinary Unit filed.

04/02/1992 #287 Affidavit of Larry E. Dubois, Commissioner of Massachusetts Department of Correction filed.

04/02/1992 #288 Affidavit of Michael T. Maloney, Deputy Commissioner of the Massachusetts Department of Correction filed.

04/08/1992 Hearing held before Greaney, J.

04/08/1992 #289 Appearance of Atty James Pingeon for the plaintiffs filed.

04/08/1992 #290 Appearance of Atty. Barry Barkow for the plaintiffs filed.

04/08/1992 #291 Appearance of Atty Charles M. Wyzanski for the defendant filed.

04/14/1992 #292 Plaintiffs' Post-Hearing Memorandum filed by Attys Barry Barkow and James R. Pingeon, Massachusetts Correctional Legal Services with Attachments filed.

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- 04/14/1992 #293 Defendant's Memorandum in Opposition to Plaintiffs' Motion to Enjoin the Commissioner of Correction from Opening the Department Disciplinary Unit with Certificate of Service attached filed by Atty Charles M. Wyzanski, Department of Correction.
- 04/24/1992 #294 Defendant's Response to Plaintiffs' Post-Hearing Memorandum filed by Atty Charles M. Wyzanski, Department of Correction with Certificate of Service and Exhibit 1 attached.
- 04/16/1992 #294.1 Letter to Justice Greaney from Attys James R. Pingeon and Barry Barkow saying.. "Plaintiffs wish to bring to your attention a recent decision of the Supreme Judicial Court, Hoffer v. Commissioner of Correction, SJC No. S-5821...which bears on the motion presently before you relating to the opening of the Departmental Disciplinary Unit..." filed.
- 04/22/1992 #294.2 Letter to Justice Greaney from Atty James R. Pingeon, Massachusetts Correctional Legal Services saying..."Enclosed is a copy of the Departmental Disciplinary Unit (DDU) Orientation Book which the Commissioner failed to provide to the Court..." with Attachment.
- 04/30/1992 #295 ORDER #20, as on file, "...it is hereby ORDERED that: 1. Plaintiff's Motion to Enjoin the Commissioner from operating the Newly-Opened Segregation Unit at MCI Cedar Junction (paper #251 is denied for the reasons that the plaintiffs have not yet adequately shown that the Motion is within the scope of these proceedings or that they are entitled to an injunction. In addition, reference is here made to the affidavit of the Commissioner of Corrections indicating that the DDU is a separate facility from the Departmental Segregation Unit (DSU) which is being retained as an independent unit. 2. Action on Plaintiffs' Motion for An Order Requiring Restoration of Two Hour DSU Visitation Periods (paper #283 is deferred pending resolution of the proceedings in Todd v. Superintendent, Norfolk Superior No. 89-3278. In the interim, plaintiffs may apply for action on this motion upon demonstrating that the relief sought is clearly not encompassed in that sought in the Todd case. 3. Plaintiffs' Motion for leave to Amend Complaint (paper #284) is allowed. (Greaney, J.)
- 04/30/1992 #296 Notice to counsel, regarding paper number 295 filed.
- 04/30/1992 #297 Notice of Appeal of Interlocutory Order, filed by Michael Dupont, pro se and others filed.
- 04/30/1992 #298 Letter to Susan Mellen, assistant clerk from Michael Dupont, saying.. "I have not yet received notice of your preparation of the record for transmission from your office to a panel of the SJC...."filed.

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- 05/13/1992 #298.1 Letter to Justice Liacos from Ty Geas, Cell Block 10, saying.. "Enclosed please find a copy of my pro se complaint, also attached is a TRO for the single session to rule on. You have the right to decided TRO and to send the remainder of the case back to the lower court.." filed.
- 05/18/1992 #298.2 Letter to Chief Justice Paul J. Liacos from Michael Dupont saying... "Request for Assignment of Unbiased Judge and Hearing on Motions to Disqualify Counsel and Motions for contempt of Liacos' Orders with Related Mass. Article XXX Violations." with Attachments filed.
- 05/23/1992 #298.3 Affidavit of Michael T. Maloney, Deputy Commissioner, Massachusetts Department of Correction and Affidavit of Larry E. Dubois, Commissioner Massachusetts Department of Correction filed.
- 05/28/1992 #298.4 Letter to Paul J. Liacos, Chief Justice from Michael Dupont saying "Enclosed are 200 general population prisoner's grievance with M.C.L.S. Counsel, Attorney King's Reply, and my attached 4 page response on behalf of the Hoffer DS 10 Block Class, to supplement my prior Notice of Appeal of Interlocutory Order #20..."filed.
- 06/01/1992 #299 Letter to Michael Dupont from Susan Mellen, Assistant Clerk saying..."Receipt of your letter dated May 26, 1992 is herewith acknowledged. In response, this office is in receipt of a notice of appeal from Justice Greaney's order of April 30, 1992 and have docketed the same. Enclosed please find a copy of the affidavit of Michael Maloney and a copy of the docket of 85-71 as requested. A copy of your letter with the enclosed copy of "Notice of Appeal from Interlocutory Order has been forwarded to your counsel of record..."filed.
- 06/02/1992 #300 Motion for Temporary Restraining Order filed by Ty Geas, with Certificate of Service and Attachments.
- 06/24/1992 *****FOLDER NO. 8 ENDS*****
- 06/24/1992 *****FOLDER NO. 9 BEGINS*****
- 06/02/1992 #301 Letter to Chief Justice Paul Liacos from Michael Dupont, pro se, saying.."RE: Pending Investigation of Mass Correctional Legal Services Mishandling Hoffer Class Litigation..." with Attachments filed.
- 06/02/1992 #302 Letter to Ty Geas from Susan Mellen, Assistant Clerk, saying... "Receipt of your "motion for temporary restraining order" is herewith acknowledged and the same has been docketed in the above matter.." filed.
- 06/06/1992 #303 Copy of a letter to Attorneys Kenneth King, et al from Michael Dupont saying..."Within the enclosed letter is Susan Mellen's, assistant clerk letter to me confirming that the unanimous DSU class notice of M.G.L. ch. 231, sec. 118 interlocutory appeal

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has been docketed..." filed.

06/09/1992 #304 Letter to Susan Mellen and Justice Greaney, from Michael Dupont saying..."Thanks for your letter of June 1, 1992, but the docket entries and April 92 Maloney Affidavit were not in the envelope..." filed.

06/10/1992 #305 Plaintiff's Class Emergency Mass. Civ. P. Rule 23(c) Motion for Determination of Compromise and for prior Mass. Civ. P. Rule 23(d) Notice to Begin filed by Michael Dupont, pro se, with Attachments filed.

06/10/1992 #306 Letter to Michael Dupont from Clerk Richard Rouse, saying..."Reciept of your letter dated June 6, 1992 is herewith acknowledged. Your "Motion" as you can see has been docketed in the above-entitled matter...you will be advised of any action taken by the Court.." filed.,

06/12/1992 #307 Letter to Chief Justice Paul Liacos from Michael Dupont, pro se, saying..."Re: Disqualification of M.C.L.S. from Class Actions and Opposing or, Mass Civ. P. Rule 23 (a-d) Opting Out of DDU, Class Notice.." filed.

06/13/1992 #308 Hoffer Class Plaintiff William Hoberek's Renewed Motion to Disqualify Attys Pingeon and Barkow, Massachusetts Correctional Legal Services based on a Pending Related Legal Malpractice Action, filed by Donald Flynn, pro se. with Attachments.

06/13/1992 #309 Hoffer Class Plaintiff Donald Flynn's Renewed Motion to Disqualify Attys Pingeon and Barkow, Massachusetts Correctional Legal Services based on a Pending Related Legal Malpractice Action filed by Donald Flynn, pro se with Attachments.

06/14/1992 #310 Hoffer Class Plaintiff Perrots Renewed Motion to Disqualify Attys Pingeon and Barkow, Massachusetts Correctional Legal Services based on Attached Legal Malpractice Action filed by George Perrot, pro se with Attachments filed.

06/15/1992 #311 Plaintiffs's Renewed Motion for Hearing on Disqualification of Counsel Based on Pending Hoffer Class Related Legal Malpractice Prosecutions And For Assignment of New Class Counsel with Attachment filed.

06/24/1992 #312 Status Letter to Susan Mellen from Kenneth King, Esq. saying... "As we discussed on Friday, June 19, 1992, in my capacity as President of the MCLS Board of Directors, I have met with prisoners at MCI Walpole including prisoners in the segregation unit to discuss their concerns over the conduct of the litigation in Hoffer v. Fair..." As you are well aware, these concerns have been expressed in a series of letters and pleadings submitted to the Court which were primarily written by Mr. Michael Dupont. I and other board members are committed to meeting with the prisoners in 10 Block and trying

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- to iron out whatever differences may exist over the conduct of this litigation"...filed.
- 07/15/1992 #313 Plaintiff's Report Regarding Compliance with DSU Regulations, filed by Atty Barry Barkow, with Certificate of Service, filed.
- 07/27/1992 #314 Plaintiff Porter's Renewed Motion to Disqualify Attys Pingeon and Barkow based on attached legal Malpractice Action with Attachments filed.
- 08/17/1992 #315 Joint Motion to Enlarge Time for Defendant's Response to Plaintiffs' Report Regarding Compliance with DSU Regulations filed.
- 10/18/1993 #316 Letter to Susan Mellen, assistant clerk and Richard Rouse, Clerk regarding: "Your Continued Refusal To Inform Hoffer Class of Developments, Refusal to Provide Updated Documents, Knowing M.C.L.S. Abandoned Us Years Ago, etc.," filed with Attachment (Affidavit of Dianne McLaughlin) filed.
- 10/18/1993 #317 Letter to Richard Rouse, Clerk from Michael Dupont regarding: "Enclosed Contempt And Other Motions, Deputy Chief Administrative Assistant Robert Bloom's 10/14/93 Letter; Class Detente..." filed.
- 10/18/1993 #318 Letter to Richard Rouse, Clerk Michael DuPont saying..."Re: Inquiry on TRO/PI for co-plaintiff Miller and c.261, sec. 27A-D, Rule 3:02, Non-Rule 3;10 motion for "In Re: Abandoned Class" and Hoffer, S.J.C. 85-71 Class Unanimous Motion for Assignment of New Class Counsel filed.
- 10/20/1993 #319 Hoffer Awaiting Action Subclass Motion for A Contempt Damages, and for a Strict Compliance Order with Attachments filed.
- 11/04/1993 #320 Letter to Paul J. Liacos, Chief Justice from Michael K. DuPont, saying..."RE: Your Prior Assurances of "Appropriate Action", My 11/9/93 D.P.U. Hearing; Clerk Rouse's Refusal To Give Documents I Paid For; Single Justice Refusal To Rule..." with Attachment filed.
- 11/04/1993 #321 Letter to Michael DuPont from Richard Rouse, Clerk saying..."Pursuant to your request, enclosed please find docket entries for 1992-1993, in the Hoffer matter and Defendant's Memorandum in Opposition to Plaintiffs' Motion to Enjoin the Commissioner of Correction from Opening the Department Disciplinary Unit. Please accept my apologies for the delay in getting these documents to you. As a courtesy to you I am returning your check in the amount of \$10.00. With regard to the status of the TRO and Motion In Re: Abandoned Class Members' Right to Counsel/Court Access, please be advised that no action has been taken by the Court." filed.

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12/02/1993 #322 Memorandum and Order, as on file..."Accordingly, the settlement is approved, and counsel are directed to submit to the court for its approval no later than December 20, 1993, a final judgment including the merits of the litigation." (Greaney, J.).

12/02/1993 #323 Notice to counsel, regarding paper number 322 filed.

12/28/1993 #324 FINAL JUDGMENT ..."This Final Judgment incorporates herein the Orders and Judgments set forth in this Court's Memorandum and Order #9 of September 9, 1986; Memorandum, Order and Judgment #1 of March 3, 1988; Memorandum and Order #14 of December 23, 1988; and Memorandum, Order and Judgment #17 of September 19, 1989. Furthermore, defendant shall provide procedures and substantive protections which, at a minimum, comply with the provisions of the Regulations and Departmental Memoranda attached hereto. Copies of the attached Regulations and Departmental Memoranda shall be provided to, and made readily accessible to, Superintendents, DSU Administrators, DSU Board Members, and DSU Inmates. (Greaney, J.).

12/28/1993 #325 Notice to counsel, regarding paper number 324 filed.

02/04/1994 #326 Scheduling Motion Re: Attorney Fees Petition filed by Atty Barry Barkow with Certificate of Service. (2/4/94: Motion Allowed, Greaney J.)

02/04/1994 #327 Notice to counsel, regarding paper number 326 filed.

04/20/1994 #328 Motion for Enlargement of Time to File Attorney Fees Petition filed by Atty Barry Barkow with Certificate of Service attached. 4/28/94, Motion For Enlargment Of Time To File Attorney Fees Petition, Allowed. (Greaney, J.)

04/20/1994 #329 Notice to counsel, regarding paper number 326 filed.

05/25/1994 #330 Motion to Enlarge Time for Defendant's Response to Plaintiff's Request for Attorneys' Fees filed by Atty Charles M. Wyzanski, Department of Correction and assented to by Atty Barry Barkow, Massachusetts Correctional Legal Services filed.

05/27/1994 #331 Notice to counsel, regarding paper number 330 filed.

05/27/1994 *****FOLDER NO 9 ENDS*****

05/27/1994 *****FOLDER NO. 10 BEGINS*****

07/12/1994 #332 Joint Motion to Enlarge Time for Time to File a Petition For Reasonable Attorney's Fees and A Response filed by Atty Barry Barkow, Massachusetts Correctional Legal Services and Atty Charles M. Wyzanski, Department of Correction filed.

03/01/1995 #333 Letter to Susan Mellen, assistant clerk from Atty Barry Barkow saying.."Please inform the Single Justice that the issue of reasonable attorney fees is no longer pending before the court, the parties having agreed upon, and defendants having paid, said fees..."filed.

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07/26/1995 #334 Hoffer Class Monitor DuPont's Emergency Motion for TRO/P.I. to Prevent Defendant's Unlawful Article XXX Violative 8/4/95 Repeal of Hoffer 103 CMR 421 Rules Contempt Finding and \$13,140,000.00 Plus 1992-1995 Damages filed with Attachment filed.

08/03/1995 #335 Plaintiff's Motion to Enjoin Repeal of DSU Regulations filed by Attys James R. Pingeon and Barry Barkow, Massachusetts Correctional Legal Services with Certificate of Service and Attachment 1-3 filed.

08/11/1995 #336 Letter to Ms. Andruszkiewicz from Atty Joel Berner "Per your call to me today with respect to the above-referenced matter, I am writing to confirm that the Court (Greaney, J.) is seeking the filing of a reply from the defendant by August 23, 1995, to Plaintiff's Motion to Enjoin Repeal of DSU Regulations." filed.

08/14/1995 #337 Verified Complaint for Civil Contempt with Exhibits A-E attached filed by Ted Otsuki, pro se.

08/14/1995 #338 Plaintiff's Memorandum of Law in Support of Complaint for Civil Contempt with Exhibits 1-2 attached filed by Ted Otsuki, pro se.

08/14/1995 #339 Plaintiff's Motion for Service by Certified Mail or by the Clerk's Office filed by Ted Otsuki, pro se.

08/14/1995 #340 Plaintiff's Motion to Proceed on the Record Without the Necessity of Reproducing Parts Thereof filed by Ted Otsuki, pro se.

08/14/1995 #341 Petition for Writ of Habeas Corpus Ad Testificandum for Prisoner Ted Otsuki, filed by Ted Otsuki, pro se.

08/14/1995 #342 Petition for Writ of Habeas Corpus Ad Testificandum for Prisoner William H. Moore, filed by Ted Otsuki, pro se.

08/14/1995 #343 Affidavit of William H. Moore filed.

08/28/1995 #344 Defendant's Opposition to Plaintiffs' Motion to Enjoin Repeal of DSU Regulations with Exhibit 1 attached filed by Atty Charles M. Wyzanski.

08/28/1995 #345 Certificate of Service for Defendant's Opposition To Plaintiffs' Motion To Enjoin Repeal of DSU Regulations, to be served on the plaintiff's attorney, Jim Pingeon...at address: Massachusetts Correctional Legal Services, 8 Winter Street, Boston, MA 02108 with Attachments filed.

08/30/1995 #346 Notice to Counsel: The Single Justice, Greaney, J., has scheduled a hearing on the Plaintiff's Motion to Enjoin Repeal of DSU Regulations for Wednesday, September 13, 1995, at 9:30 A.M., Courtroom 1006, New Court House, Boston, MA filed.

09/07/1995 #347 Motion (Assented) To Continue Hearing Date With Assent with Certificate of Service attached filed by Atty Barry Barkow, Massachusetts Correctional Legal Services, Inc., and Atty

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Charles M. Wyzanski, Department of Correction.

09/18/1995 #348 Motion to Withdraw as Counsel..."Plaintiffs hereby move that Atty James Pingeon, who is no longer employed by Massachusetts Correctional Legal Services, be permitted to withdraw as counsel for plaintiffs...." filed by Atty Barry Barkow, Massachusetts Correctional Legal Services, Inc.

09/18/1995 #349 Plaintiffs' Reply Memorandum in Support of Motion to Enjoin Repeal of DSU Regulations filed by Atty Barry Barkow, Massachusetts Correctional Legal Services, Inc.

09/18/1995 #350 Certificate of Service for Motion To Withdraw as Counsel and Plaintiffs' Reply Memorandum in Support of Motion to Enjoin Repeal of DSU Regulations on defendant filed.

09/20/1995 Hearing held before Greaney, J.

09/20/1995 #351 Appearance of Atty. Barry Barkow, Massachusetts Correctional Legal Services for Hoffer, et et als. filed.

09/20/1995 #352 Appearance of Atty. Charles M. Wyzanski for Commissioner of Corrections filed.

09/26/1995 #353 POST FINAL JUDGMENT ORDER, "After considering Plaintiffs' Motion to Enjoin Repeal of DSU Regulations; Defendant's Opposition thereto; Plaintiffs' Reply Memorandum in Support of Motion to Enjoin Repeal of DSU Regulations; the authority granted the Commissioner under G.L. c. 127, sec. 39; the requirements of the Final Judgment entered in this matter; and the arguments of counsel at a hearing on September 20, 1995, it is hereby ORDERED that: Plaintiffs' Motion to Enjoin Repeal of DSU Regulations is allowed. (Greaney, J.).

09/26/1995 #354 Notice to counsel, regarding paper number 353 filed.

10/31/1995 #355 Plaintiffs' Motion Regarding Determination of Attorney Fees filed by Atty Barry Barkow, Massachusetts Correctional Legal Service, Inc.

10/31/1995 #356 Certificate of Service for Motion Regarding Determination of Attorney Fees on defendant filed by Atty Barry Barkow, Massachusetts Correctional Legal Services, Inc.

05/26/1998 #357 Letter to Maura S. Doyle, Clerk from Brian Jennings saying..."I am writing to request a copy of docket entry "#213 and the "class certification" in Hoffer, et al v. Fair, C.A. No. 85-71. I am a prisoner and currently involved in a case with the D.O.C. that relates to Hoffer and need these documents as evidence in support of my claims." filed.

05/27/1998 Copy of docket sheet was mailed to Brian Jennings as requested. (lav)

07/24/1998 #358 Letter from Marvin M. Smith saying..."I would like to ask, if possible would you forward to me a complete copy of the Docket Entries in the above-entitled matter..."

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07/24/1998	Copy of docket sheet was mailed to Marvin M. Smith as request. (etg).
08/06/1998	Copy of Complete Docket Sheet dated February 25, 1985 through August 6, 1998 was mailed to Marvin Smith (lav).
06/19/2000 #359	Letter to Maura S. Doyle from Gerald M. Hill stating..."If you could forward a full copy of this case to me at your earliest convenience I would appreciate it very much." filed.

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As of 01/22/2009 01:02