

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

LYNNEL COX, as administrator of the Estate
of Shayne R. Stilphen,

Plaintiff,

v.

CITY OF BOSTON,
ISMAEL ALMEIDA, PAULMICHAEL
BERTOCCHI, CATIA FREIRE, DAVID
MARSHALL, and BRIAN PICARELLO,

Defendants.

Civil Action No. 1:22-cv-11009-RGS

STATUS REPORT

Since Plaintiff filed its Motion to Compel Outstanding Discovery of Defendant City of Boston (“the City”) (ECF No. 74) (the “Motion”), the City has made several productions that have further narrowed the outstanding discovery matters. Specifically, the City has now responded to the previously-outstanding Requests for Production Nos. 14 and 15, and has identified an officer—Superintendent Robert Ciccolo—who will testify to several of the outstanding 30(b)(6) topics on October 26, 2023.¹ The City has also provided the relevant documents that the parties agreed would respond to 30(b)(6) topic number 8, and has provided some, though not all, of the previously-outstanding documents that the Plaintiff offered would be responsive to Request for Production No. 7 and 30(b)(6) topics number 7, 9, and 10.

Plaintiff submits this status report to alert the Court that it withdraws its Motion as to

¹ Two previously scheduled 30(b)(6) witnesses, Officers Higgins and Lydon, provided their testimony on October 11, 2023.

those requests that have now been satisfied, while keeping the Motion in place with respect to the narrow items that remain. *See* Memorandum in Support of Plaintiff’s Motion to Compel Outstanding Discovery of Defendant City of Boston (ECF No. 74) at p.1, n.1 (“[T]o the extent the City is able to resolve any outstanding discovery requests while this motion is pending, Plaintiff will withdraw its motion as to such issues.”).²

The discovery listed in Plaintiff’s Motion that remain outstanding are now limited to:

- **Requests for Production No. 7:** The City has provided a spreadsheet of all relevant IAD complaints that contain the term “medical.” The City has not yet produced the investigations arising from these complaints.³
- **30(b)(6) Topic No. 3:** The City has represented that it will present a witness to testify to the Homicide Unit Investigation of Mr. Cristhian Geigel, but has not yet identified the specific officer or the date.
- **30(b)(6) Topic No. 7:** Plaintiff had offered that this topic could be satisfied through documents. The City has provided a spreadsheet of all relevant IAD complaints that contain the term “medical.” The City has not yet produced the investigations arising from these complaints.⁴
- **30(b)(6) Topic Nos 9 & 10:** Plaintiff had offered that these topics could partially be satisfied through documents. With respect to hospitalizations, the City has provided a spreadsheet of Code 23 reports and offered Superintendent Ciccolo to testify on October 26, 2023. With respect to in-custody deaths, the City has provided the relevant police reports that were the source of the deaths listed on the dashboard, confirmed that there are no IAD files associated with the in-custody deaths on May 16, 2016 and September 7, 2018, and has produced the HUI files for the May 16, 2016 in-custody death.⁵ The City has represented that it will produce the HUI files for the September 7, 2018 in-custody death on October 16, 2023.

² Plaintiff understands that the City is continuing to work on these requests, and to the extent the City is able to further resolve any outstanding discovery requests while this motion is pending, Plaintiff will withdraw its motion as to such issues.

³ The City produced this spreadsheet the afternoon of this filing, and asked Plaintiff to identify any entries for which it intends to request the full IAD file. Plaintiff will review and provide this identification by the morning of October 16, 2023.

⁴ *See* n.3.

⁵ The City has represented that it will provide audio and video files that accompany this file on October 16, 2023.

October 13, 2023

**LYNNEL COX, as administrator of the estate of
Shayne R. Stilphen**

By her attorneys,

/s/ Robert Frederickson III

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CERTIFICATE OF SERVICE

I hereby certify that on October 13, 2023, a true and correct copy of the foregoing was filed via the Court's CM/ECF system and that a copy will be sent via the CM/ECF system electronically to all counsel of record.

/s/ Robert Frederickson III
Robert Frederickson III