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PLAINTIFFS

DEFENDANTS

JOHN W. IASIMONE, JR., by his father and next friend, JOHN W. IASIMONE; MARY THERESA DIPIPPA, by her father and next friend, ALBERT DIPIPPA; WILFRED GIRARD, by his father and next friend, CHARLES GIRARD; JOSEPH LeCOUNT, by his sister and next friend, ANITA LACOURSE; WALTER POOLE, by his mother and next friend, ADALINA POOLE; NORMAN WAITE, by his mother and next friend, GERTRUDE WAITE; KATHEREN QUINN, by her mother and next friend, GLORIA QUINN NOLAN; MARION LEVASSEUR, by her mother and next friend, EILEEN LEVASSEUR; GERTRUDE VERRY, by her sister and next friend, DOROTHY CATLOW; BARBARA PELLETIER, by her father and next friend, JOSEPH PELLETIER

J. JOSEPH GARRAHY, Governor, State of Rhode Island
 ROBERT LIQUORI, Director, Department of Administrations
 JOSEPH J. BEVILACQUE, Ph.D., Director, Department of Mental Health, Retardation and Hospitals
 DONNA M. CONE, Ph. D., Assistant Director, Division of Retardation
 EDMOND R. COLLETTA, Assistant Director, Planning and Budgets, Department of Mental Health, Retardation and Hospitals
 JOHN G. SMITH, Superintendent, Joseph H. Ladd School
 GEORGE W. CLIMBER Associate Sum...

CAUSE

This is a class action suit brought up on behalf of all residents of the Joseph H. Ladd School to secure a right to care, treatment and habilitation which meets minimal constitutional requirements. This action arises under the Fourteenth Amendment of the Constitution of the United States and under the provision of 42 U.S.C. §1983. Jurisdiction is granted to this Court by 28 U.S.C. §1343, §1651, §2201 and §2202.

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Rogree Thompson
 44 Gallatin
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Edward Hastings
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 456-1200

CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS

FILING FEES PAID			STATISTICAL CARDS
DATE	RECEIPT NUMBER		C.D. NUMBER
12-09-77	#2321	\$15.00	

CARD	DATE MAILED
JS-5	01-01-78
JS-6	

FOK PLNTFS 4-4-91

JOHN J. McCONNELL, JR

Ness, Motte y & Loadoit &

Richardson & Poole

333 Westminster St.

PROV. RI 02903

521-9400

DATE 1977	NR.	PROCEEDINGS
Dec. 9	1	Complaint filed with A. Arnold Lundwall, Esquire in appearance.
	2	Summons issued returnable within 20 days after service.
	3	Notice of Appearance filed by Paul Jameson, Esquire, co-counsel for Plaintiff (SPK)
Dec. 13	9	Summonses returned, duly served and filed.
29		Deft, Smith's motion to enlarge time to 1/21/78 to answer granted, entered and filed. (rh)
1978		
Jan. 3		Pltff's response to deft, John G. Smith's motion to enlarge time for filing answer filed. lk
Feb 18		Stipulation re: Deft's will answer by 2/13/78 with no further extension entered and
24		Answer of Defts filed. (rh) rh
24		Defts' motion for substitution of parties filed. (rh)
Mar 15		Deft's motion to substitute parties granted, entered and filed. (rh)
1979		
Apr 6		Interim consent decree re: Defts will prepare comprehensive plan of service by 5/31/79. entered, filed. (rh)
	21	Stipulation re: Time within which defts will file comprehensive plan of service called for in Interim Consent Decree extended to and including 6/30/79 approved entered 6/20/79 and filed. lk
June 25		Entry of appearance for plttf of S. Arlene Violet filed. lk
July 5		Stipulation re: Time within which defts will file comprehensive plan of service called for in Interim Consent Decree dated 4/6/79 is extended to 7/16/79 entered and filed. lk
1979	16	Comprehensive plan received.
Sept 26		Pltffs' mtn/class action determination filed. lk
Oct. 27		Deft's. Objection to Motion for Class Determination, filed. Deft's. Motion for extension of time to file memo in opposition to class cert filed.
31		Stipulation re: Deft's may oppose m/class by 10/27/80. entered, filed. (rh)
Nov 7		Order re: Deft's may have until 11/10/80 to file memo in opposition to m/class. entered, filed. (rh)
	10	Defts' mtn/discovery in aid of class action determination filed. lk
	10	Defts' mtn/extension to answer interrog and request for admission to 12/5/80 filed. lk
	13	Pltffs' obj. to mtn/extension to answer interrog and request for admission filed. lk
18		Stipulation re: Deft, Bevilacqua shall respond to request for admissions and Deft, Gunther shall respond to interrogatories by 12/5/80. (rh)
21		Pltff's Mtn/Extension of Time for response to deft's motion for discovery to December 5, 1980, filed. jr
26		Pltff's objection to m/discovery in aid of class filed. (rh)
Dec 5, 1980		Ans. of Deft George Gunther to Pltf. Interr. Responses of Joseph Bevilacqua, to pltf req. of Adm. jew
1981		
July 2		Notice to take deposition of Joseph Bevilacqua filed. lk
7		Pre-trial order re: Memos due 9/25/81 entered & filed. lk
Aug 24		Entry of Deborah Clake as co-counsel for defts filed, lk
31		Pltffs' mtn/extension of time to answers interrog to 9/17/81 filed. lk
Sept 2		Stipulation re: Date of deposition changed from 7/15/81 to 8/7/81 entered 9/1/81 & filed. lk
10		Affidavit of R Carl filed. (rh)
10		Pltff's m/entry upon land filed.
10		Pltff's m/discovery filed. (rh)
15		Pltff's m/protective order filed. (rh)

PLAINTIFF JOHN W. ISAIMONE JR., et als	DEFENDANT J. JOSEPH GARRAHY, et als	DOCKET NO. <u>77-0727</u> PAGE <u>2</u> OF <u>2</u> PAGES
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DATE	NR.	PROCEEDINGS
Sept. 15		Pltff's Response to request for admissions filed. Pltff's Mtn. for Protective Order filed.
21		Deft's Obj. to request for entry upon land and examination of premises filed.
24		Deft's Obj. to mt. for discovery and production of documents & things filed.
25		Deft's enlarge time to comply with pre-trial order to Dec. 15, 1981 filed.
28		Pltff's Notice to take deposition Daniel Martin and J. Joseph Garrahy filed.
Oct. 6		Pltff's mt. enlarge time to comply with pre-trial order filed. Deft's obj. to Mtns. for protective order and to compel more responsive ans. filed Deft's Mtn. for Protective Order filed.
Nov 16		Pltff's mt/enlarge time to comply w/pretrial order to 12/15/81 granted, entered & filed. lk
13		Protective order re: access to resident records restricted as listed. entered, filed. (rh)
13		Order re: discovery will proceed as outlined. entered, filed. (rh)
Dec 2		Deft's m/compel answers filed.
Dec 2		Order re: Pltff's m/entry upon land is passed. entered, filed.
2		Order re: Deft's m/protective order passed. entered, filed. (rh)
8		Order re: Deft's m/compel granted as outlined. entered, filed. (rh)
9		Order re: Pltff's m/compel production granted. entered, filed. (rh)
7		Notice to take deposition of RI Association filed. (rh)
21		Defts' objection to m/protective order filed. (rh)
29		Pltff's m/protective order filed. (rh)
1982		
Jan 4		Notice to take deposition of J Healey filed. (rh)
21		Stipulation re: Pltff's m/protective order passed. entered, filed. (rh)
Jan 12		Notice to take deposition of George W. Gunther filed. jlc
Apr 12		Defts' mt/take deposition of pltffs' experts. lk
Apr. 15		Pltff's obj. to taking deposition of experts filed.
23		2 subpoenas retruned. rh
30		Stipulation of parties.
30		ORDER RE: Stipulation of parties approved by court and incorporated into this order by reference and subject to the continuing jurisdiction of this court. Upon substantial compliance w/terms of stipulation, any party may move for order vacating stipulation, dismissing the underlying action, final judgment or other applicable relief; any party may move to modify or vacate provisions of stipulation for good cause shown or as otherwise provided under FRCP, defts shall pay the reasonable attys' fees and costs of pltffs entered, 4/29/82.
③ 30		Order of notice to class entered 4/29/82.
30		Notice entered, lk
May 4		Stipulation re: Deposition of J McGee to be 4/27/82, Defts agree to reimburse deponant \$950. entered.
4		Stipulation re: Deposition of K Schwaninger to be 4/24/82, Defts agree to reimburse deponant \$350. entered. (rh)
Jul 15		Form of notice. rh

PLAINTIFF		DEFENDANT	DOCKET NO. _____
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DATE	NR.	PROCEEDINGS	
Jul 19		Stipulation re: Pltff's agree to settle for \$48000 in fees. not entered. rh	
26		Stipualtion re: names of authorized representatives may be submitted by 8/30/82. entered. filed. rh	
Aug. 30		StipRE extension til 9/30/82 on names of authorized repre. to be submitte. jew	
Oct. 6		Affidavit of Deborah P. Clarke Affidavit of Kristina B. Schartner	
Sep 7		Counsel for pltff entry of appearance. gm	
Sept 30		Pltf mtn to adjudge in contempt. deft. jew	
		Pltf mtn for withdrawal atty. RE violaet & Jameson. jew	
Oct 3		Atty Violet & Jameson opposition RE mtn for withdrawal. jew	
7		Defts response to m/withdrawal.	
7		Deft's objection to m/adjudge in contempt. rh	
7		Defts' m/enlarge time to 10/20/83 file memo. rh	
13		Subpoena. rh	
13		Deft's m/quash. rh	
24		Pltff's objection to m/quash. rh	
Nov 1		Enter the appearance of E Hastings for S Arlene Violet.	
1		Affidavit of R Kessler.	
1		Affidavit of A Violet. rh	
Nov 4		Hearing Held RE mtn for substitution of counsel. 8 exh. 2 witness. jew	
7		Hedring continues RE mtn for sub. counsel. 14 exh. 4 witness continued. jew	
8		hearing continued pltf and deft argus and rest. decision reserved. jew	
		Judge has exhibits. jew	
Nov 3		Appearance of William Clifton co-counsel pltf mtn for substitute. jew	
1983			
Nov 14		Affidavit of O. R. Thompson. cb	
Dec 14		Memorandum--Court denies the motions to cite defts in contempt and to remove counsel without projudice and defer further action for a period of 90 days. entered	
1984			
May 16		DEFT'S M/AMEND	
22		Pltff's obj. to Deft's m/amend	
		Affidavit of A. Anthony Antosh	
		Affidavit of Paul Sherlock	
		Affidavit of James V. Healey	
July 3		Deft's modified m/amend judgment	
9		Pltff's obj. to Deft's modified m/amend judgment	
16		Pltff's m/adjudge in contempt	
Jul 25		Obj to pltf's m/adjudge in contempt. cb	
Jul 27		Case called. Deft;s m/modify stip of April, 1982. Pltf's m/adjudge in contempt. 1 witness. 5 exhibits. Continued to July 30, 1984 at 10:00. cb	
Jul 30		Case called. 3 witnesses. 10 exhibits. Judge reserves on decision. Memos due in 2 weeks (August 13, 1984). cb	
Sep 18		Opinion re: State's m/modify Judgement granted, date of quota 4/30/85, submission of plan 3/15/85; Pltff's m/cite in contempt denied. entered. rh	
Oct 10		ORDER Re: Pltf's m/adjudge in contempt is denied, deft's m/amend is granted. entered. cb	
Noy			

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF Iasome	DEFENDANT Garrahy	DOCKET NO. <u>79-0727</u> PAGE <u>3</u> OF <u>3</u> PAGES
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DATE	NR.	PROCEEDINGS
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Nov 16		Partial transcript, July 30, 1984, filed.
Dec 26		M/withdrawal of appearance of Violet. cb
1985		
Jan 2		Case called. M/withdrawal of appearance of Violet - motion granted provided entry of appearance is filed within 10 days to represent class. Rubine to prepare form of order. cb
Jan 2		Affidavit of Kessler filed. cb
3		Order re: m/withdraw of Violet granted upon condition entry of substitute counsel by 1/14/85, otherwise Court will give public notice seeking substitute counsel. entered. rh
Feb 1		Application of K McKenna. rh
Feb 13		Withdrawal of appearance of Rubine for defts. cb
Feb 13		Enter the appearance of Sherman for defts. cb
Jan 18		ORDER Re: Court will consider appointment of counsel from applications filed with clerk. entered. cb
May 1		Deft's m/amend Oct 10, 1984 order. cb
Jun 26		Ladd Center Monitoring Committee report of June 21, 1985 meeting. cb
Jun 28		Deft's m/amend. cb
Aug 8		Enter the appearance of Hastings and Lichatin for pltfs. cb
Sep 5		Stip re: ext of time for deft to 9-23-85. ch
Sep 19		Deft's withdrawl of m/ ammend. ch
Sep 30		Withdrawl of appearance of Iasimone, et al for plntff. ch
Sep 30		M/ for leace to file an entry of appearance as counsel for plntff. ch
Sep 19		Affidavit of Dr. Robert L. Carl. ch
Oct 15		Mandell's m/enter appearance granted. entered. rh
15		Defts' withdrawal of m/amend granted. entered. rh
10/23		Entry of appearance as counsel of Mark S. Mandell, Esq., Susan Carlin, and John J. McConnell jr. Esq. for Pltf.
Dec 15		Pltf's m/adjudge in contempt. cb
Dec 15		Pltf's obj to deft's m/amend. cb
12-23		ORDER RE: The state parties agree to reduce the Ladd population to not more than 240 residents by January, 1987 in accordance, with the schedule attached hereto as exhibit A. The State Parties agree to expedite the construction and operations of group homes identified in Exhibit A to the extent possible. 2. The State Parties encourage the Advocate Parties and interested non-profit groups to submit proposals for grants to construct additional group homes to further reduce the Ladd population below 240 residents. Said proposals shall be consistent with the plan referred to in paragraph 3, infra, but said proposals may be submitted forthwith. Upon receipt of a proposal, approval by the State Parties shall not be unreasonably withheld. 3. Deft Dr. Carl, in consultation with the State Parties, agrees to work together with the Advocate Parties to develop by March 1, 1986 a detailed plan for community placement of the remaining Ladd residents, which plan shall include programatic, personnel, operational and capital requirments. Said Plan shall be delivered to the other State Parties for their consideration on or about March 1, 1986. 4. Deft's m. amend filed in 6-30-85 is withdrawn. The plntff's m/ adjudgw defts in contempt

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
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		and for sanctions is withdrawn. 5. Upon implementation of this Order, and subject to the mutual agreement of the State Parties and Advocate Parties the parties intend to request this Court in January, 1987 to cease oversight of the Consent Order entered April 29, 1982. entered. ch	
Feb 5		Partial transcript of July 30, 1984. cb	
4-29		[petition for attny's fees and costs. ch	
5-7		Obj to petition for attny's fees and costs. ch	
Jun 12		Case called Re: M/attys fees. Pltf argues, deft argues. Court: Motion granted Fees and costs of \$6721.00 are awarded to firm of Mandell, Goodman, Familgelliti and Schwartz. cb	
6-19		ORDER RE: Plntff's petition for atty fees is granted. Deft shall pay to the law frim of Mandell, Goodman, Famiglietti & Schwartz the sum og \$6,512.71. entered, ch	
1987			
Aug 14		Deft's exhibits destroyed per order of D. Clarke. cb	
Aug 19		Exhibit receipt Re: Atty Carlin's office withdraws pltf's exhibits. cb	
11/17/87		DEFT'S m/to vacate Stip. & dismiss action. na	
;;/25		Deft's withdrawal of motion to vacate. cb	
4/4/91		ENTRY of appearance of John J. McConnell, Jr. for plntfs. kp	
1/11/93		PLAINTIFF's emergency m/contempt. kp	
1/14		DEFENDANTS' obj. to plaintiff's m/contempt. kp	
1/15		WITHDRAWAL of appearance of Deming E. Sherman on behalf of defts. Deborah Clark remains as attorney for defts. kp	
2/2/93		HEARING Held on Plntfs' m/contempt. Jack McConnell for plaintiff. Jim Healy for advovate parties. Deborah clarke for deft MHRH. McConnell addresses court. Court directs counssel to meet in the jury room until 11:00 to work out an agreement. Counsel are to report back at 11:00. In court at 11:00. Counsel state that they have reached an agreement. Plaintiff will withdraw his m/contempt. Court directs counsel to submit a letter to the court within 15 days to give the status of progress. Plaintiff is to prepare order withdraw the m/contempt. (Louis Spertini court reporter)	