

**UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS,  
WESTERN DIVISION**

**ROSIE D., et al.,**

**Plaintiffs,**

**v.**

**Charles Baker, et al.,**

**Defendants.**

**CIVIL ACTION NO. 01-30199-MAP**

**DEFENDANTS' MOTION REGARDING SUBSTANTIAL COMPLIANCE  
AND TO TERMINATE MONITORING AND COURT SUPERVISION**

In conformance with this Court's June 14, 2018 Scheduling Order, the Defendants hereby move for an order terminating, pursuant to Paragraph 52 of that Judgment, the Court's monitoring and supervision of the Defendants, including terminating all monitoring and reporting requirements set forth in the Judgment.

In support of this motion, and as grounds therefore, the Defendants rely upon their Memorandum of Law and their Statement of Material Facts, both filed herewith, and upon the Defendants' Report on Implementation, filed with this Court on May 16, 2012. As set forth in the Memorandum of Law, termination of the Court's supervision and monitoring is required for three reasons. First, the Judgment expressly provided that the monitoring and reporting requirements would "terminated" in 2012, and the Court should now, based on the substantial compliance showing, give effect to that mandate. Second, where, as here, the state government defendants have substantially complied with a remedial judgment, there is no basis for ongoing court oversight. *See Milliken v. Bradley*, 433 U.S. 267, 282 (1977); *Horne v. Flores*, 557 U.S.

433 (2009). Finally, there has been no proven non-compliance through any motion for or finding of contempt against the Defendants.

In its Scheduling Order, the Court asked the Defendants to identify the factual matters remaining in dispute and, if any, to ask the Court to hold an evidentiary hearing, as well as to identify the witnesses they will present at any such hearing. At this juncture, the Defendants have no knowledge as to which factual averments the Plaintiffs intend to dispute. Accordingly, they reserve their right, in either of their subsequent filings contemplated by the Scheduling Order, to request an evidentiary hearing, to identify factual matters remaining in dispute, to supplement their evidentiary submissions, and to identify witnesses necessary for any evidentiary hearing conducted by the Court.

WHEREFORE, the Defendants respectfully request that this Court enter an order terminating the Court's active supervision, including all remaining monitoring and reporting requirements.

Respectfully submitted,

MAURA HEALEY  
ATTORNEY GENERAL

/s/ Daniel J. Hammond  
Daniel J. Hammond, BBO #559475  
Matthew Q. Berge, BBO #560319  
Douglas S. Martland, BBO #662248  
Assistant Attorneys General  
Government Bureau  
One Ashburton Place  
Boston, Massachusetts 02108  
(617) 963-2078/2310/2062  
[dan.hammond@state.ma.us](mailto:dan.hammond@state.ma.us)  
[matthew.berge@state.ma.us](mailto:matthew.berge@state.ma.us)  
[douglas.martland@state.ma.us](mailto:douglas.martland@state.ma.us)

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of this document was served electronically upon counsel of record through the Court's electronic filing system on today's date.

/s/ Daniel J. Hammond  
Daniel J. Hammond  
Assistant Attorney General