

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

	)	
GEOFFREY PESCE,	)	
	)	C.A. No. 18-cv-11972-DJC
Plaintiff,	)	
	)	
v.	)	
	)	
KEVIN F. COPPINGER, in his official	)	
capacity as Essex County Sheriff,	)	
AARON EASTMAN, in his official	)	
capacity as Superintendent of the Essex	)	
County House of Corrections - Middleton,	)	
	)	
Defendants.	)	
	)	

**EMERGENCY MOTION FOR EXPEDITED BRIEFING SCHEDULE AND HEARING**

Pursuant to Local Rule 7.1(B)(2), Plaintiff Geoffrey Pesce moves this Court to order an expedited briefing schedule with respect to Plaintiff’s Emergency Motion for Temporary Restraining Order and Preliminary Injunction and supporting papers, filed yesterday (D.I. 12-19). Plaintiffs requests that this Court order Defendants Kevin F. Coppinger and Aaron Eastman to serve its response to the Emergency Motion for Temporary Restraining Order, if any, no later than noon on Friday, September 21, 2018 and to hold a hearing Mr. Pesce’s application for temporary relief the afternoon of Friday, September 21, 2018.

As grounds for this motion, Mr. Pesce states that his Emergency Motion requests an order requiring Defendants to provide Mr. Pesce with continued access to his medically necessary, physician-prescribed methadone treatment when he is incarcerated at the Middleton House of Correction. Mr. Pesce’s incarceration is expected to begin on or about September 24, 2018, and Mr. Pesce may therefore be denied his medication as of the morning of Tuesday,

September 25. Because under the default briefing schedule Defendants' response would not be due until fourteen days from service of Mr. Pesce's Emergency Motion, or October 4, a typical briefing schedule will in effect deprive Mr. Pesce of his requested relief. Expedited briefing allowing for a decision on Mr. Pesce's request for a temporary restraining order, therefore, should be ordered. Briefing on Mr. Pesce's motion seeking a preliminary injunction could then proceed on a longer schedule, while a temporary restraint remains in place.

As further grounds, Mr. Pesce notes that Defendants Mr. Coppinger and Mr. Eastman were served with the Complaint (D.I. 1) by hand last night, and with Mr. Pesce's Emergency Motion and accompanying papers (D.I. 12-19) by hand this morning. In addition, the Attorney General of the Commonwealth received an electronic courtesy copy of all papers yesterday evening, and was served with all papers by hand this morning.<sup>1</sup> Proof of service will be filed shortly.

WHEREFORE, Plaintiff moves that this Court order Defendants to file their response, if any, to Plaintiff's Emergency Motion for Temporary Restraining Order, no later than noon (12:00 p.m.) on Friday, September 21, 2018; and

WHEREFORE, Plaintiffs moves that this Court hold a hearing on Plaintiff's Emergency Motion for Temporary Restraining Order the afternoon of Friday, September 21, 2018.

Respectfully submitted,

GEOFFREY PESCE,

By his attorneys,

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<sup>1</sup> Counsel for Plaintiff will also make every effort to electronically forward to the Attorney General any order the Court issues in response to this Motion setting a briefing schedule or hearing.

/s/ Robert Frederickson III

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*Attorneys for Plaintiff*

Dated: September 20, 2018

**LOCAL RULE 7.1 CERTIFICATION**

The undersigned counsel certifies pursuant to Local Rule 7.1 that, due to the urgent nature of the requested relief and because no counsel have appeared for Defendants, Plaintiff's counsel have not yet had an opportunity to meet and confer with Defendants or their counsel concerning this Motion.

/s/ Robert Frederickson III

**CERTIFICATE OF SERVICE**

The undersigned counsel certifies that on September 20, 2018, the foregoing document, filed using the CM/ECF system, will be delivered by hand to the following:

Kevin F. Coppinger, Sherrif of Essex County  
Essex County Sheriff's Department Headquarters  
20 Manning Avenue  
Middleton, MA 01949

Aaron Eastman, Superintendent of Middleton HOC  
Middleton House of Correction  
20 Manning Avenue  
Middleton, MA 01949

Office of the Attorney General  
1 Ashburton Place  
Boston, MA 02108

In addition, on September 20, 2018, electronic copies of the foregoing document will be submitted to Kevin F. Coppinger and Aaron Eastman through the Essex County Sheriff's website.

/s/ Robert Frederickson III