

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

Superior Court for Suffolk County

Ronald Geddes, AC, and RAR,
on their own behalf and
on behalf of a class of similarly situated
individuals,

Plaintiffs,

v.

City of Boston; Boston Police Department;
Boston Public Health Commission; Kim M.
Janey, in her capacity as the Mayor of the City of
Boston and individually; Gregory P. Long, in his
Capacity as the Acting Commissioner of the
Boston Police Department and individually; and
Bisola Ojikutu, in her capacity as Executive
Director of the Boston Public Health Commission
and individually,

Defendants.

Civil Action No. 2184CV2609
On transfer by Second Interim Order in
SJ-2021-0408

PLAINTIFFS' STATUS REPORT NOVEMBER 19, 2021

Because (1) as recognized by this Court, the Single Justice of the Supreme Judicial Court, and the parties, further factual development is necessary for a final determination of the potentially numerous disputed factual questions in this case; (2) there is not sufficient time before the hearing currently scheduled for November 29, 2021 for the parties to engage in appropriate discovery to allow an accurate determination of key factual questions that must be decided to answer the questions set forth in the Single Justice's Second Interim Order and others material to final resolution of this case; and (3) it is therefore unlikely that a hearing on November 29 would be an efficient use of resources for all involved, Plaintiffs propose, subject to hearing the Court's views at the November 19, 2021 Status Conference, that:

- 1) Plaintiffs will **withdraw** their currently pending motion for a preliminary injunction, reserving the right to move at any time in the future for a preliminary injunction should such a motion be warranted by evolving circumstances.
- 2) With the goal of dispositive motions and/or requests for trial/evidentiary hearings being presented to the Court in **May of 2022**, the Parties will proceed over the intervening 5–6 months with expedited discovery to commence on **December 1, 2021**, followed by expert discovery, and briefing and a hearing on Plaintiffs’ motion for class certification.

In accordance with this proposal, Plaintiffs conferred with Defendants on November 18, 2021 and November 19, 2021, and the parties intend to meet and confer early in the week of November 21, 2021 to discuss a more detailed proposed scheduling order, with the goal of submitting a joint proposed scheduling order and a proposed protective order on **November 29, 2021**, provided that, if the parties cannot agree, each party will submit their proposals to the Court on November 29, 2021.

Dated: November 19, 2021

Respectfully submitted,

/s/ Kevin S. Prussia

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CERTIFICATE OF SERVICE

I hereby certify that on November 19, 2021, I caused a true copy of the above document to be served via electronic mail upon all counsel of record in the above-referenced matter.

/s/ Kevin S. Prussia
Kevin S. Prussia

CERTIFICATE OF COMPLIANCE WITH SUPERIOR COURT RULE 9A(d)

I certify that, in compliance with Sup. Ct. Rule 9A(d), that Plaintiffs have made a good faith effort to contact and confer with all parties regarding the subject of this filing, and spoke with counsel for all Defendants by video teleconference on November 18, 2021 and November 19, 2021. Defendants have indicated that they do not oppose a potentially expedited case schedule, but did not agree to the specific time line proposed by the Plaintiffs.

/s/ Kevin S. Prussia
Kevin S. Prussia