

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
No. SJ-2021-0129

GRAHAM & OTHERS

v.

DISTRICT ATTORNEY FOR HAMPDEN COUNTY

SECOND SCHEDULING ORDER

This matter came before the Special Master, the Honorable Fabricant (ret.), pursuant to the Order of Reference issued by the Court (Wendlandt, J.) on April 19, 2022, concerning the petitioners' petition for relief pursuant to G.L. c. 211, § 3, and for declaratory relief pursuant to G.L. c. 231A, § 1. A status conference was held today attended by counsel for the parties.

Upon consideration thereof, it is hereby ORDERED that the petitioners shall file with the Court their reply to the respondent's proposed findings of subsidiary facts in support of the four contested material legal issues identified in the previously filed Parties' Response to Question 1 of the Third Interim Order (paper no. 61) by Friday, July 15, 2022.

It is FURTHER ORDERED that subsequent to July 15, 2022, counsel shall confer in a good faith effort to resolve as many as possible of the remaining disputes of subsidiary fact for purposes of limiting

the need for live testimony from witnesses necessary to complete the record. Subsequent to these efforts, the parties shall file a joint list by Wednesday, August 17, 2022, identifying any and all witnesses from whom live testimony continues to be required to complete the record, and the proposed order in which said witnesses will be called to testify.

It is FURTHER ORDERED that evidentiary hearings are scheduled in this matter at the Supreme Judicial Court for Suffolk County, Courtroom Two, John Adams Courthouse, One Pemberton Square, Boston, MA, on the following dates and times as needed:

Wednesday, August 24, 2022, 10 AM;

Tuesday, August 30, 2022, 10 AM; and

Wednesday, September 14, 2022, 10 AM.

The parties will file trial briefs, including proposed findings of ultimate fact and conclusions of law, by September 14, 2022, and will present closing argument after the completion of evidence on that date.

By the Court, (Special Master Judith
Fabricant, J. (ret.))

/s/ Maura S. Doyle
Maura S. Doyle, Clerk

ENTERED: June 22, 2022