

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPREME JUDICIAL COURT
No. SJ-2020-0757

**COMMITTEE FOR PUBLIC COUNSEL SERVICES and MASSACHUSETTS
ASSOCIATION OF CRIMINAL DEFENSE LAWYERS**

vs.

BARNSTABLE COUNTY SHERIFF'S OFFICE, and others.

ORDER OF REFERENCE

This case came before the court, Cypher, J., on a complaint for declaratory and equitable relief, and relief pursuant to G. L. c. 211, § 3. The parties have been unable to agree to all facts necessary to permit the court to decide the questions of law presented in the complaint.

Therefore, it is hereby ORDERED that the Honorable Robert C. Rufo (ret.) is appointed as a Special Master in this matter, and the matter is referred to him as provided below. See S.J.C. Rule 2:13. The proceedings will be conducted remotely.

The Special Master shall determine which, if any, relevant facts have been agreed to by the parties. The Special Master shall hold a hearing or hearings, as necessary, and shall make any and all findings of fact, and credibility determinations, beyond the facts agreed to by the parties, that he deems necessary and relevant to resolution of the questions of law raised by the plaintiffs in their complaint.

The Special Master shall have and exercise the power to regulate the course of these proceedings and to make appropriate evidentiary and other rulings that may be required, as he

deems necessary in order to report his findings of fact, credibility determinations, determinations as to agreed facts, and any recommendations or conclusions of law, and submit it to this court.

The parties are directed to make every reasonable effort to assist the Special Master, in the manner he prescribes, with this fact-finding process. The parties should be prepared to provide witnesses and any other evidence they intend to offer, and such other evidence as the Special Master may require, expeditiously and in accordance with the schedule set by the Special Master. Any issues or concerns involving the timing of the proceedings, availability of witness, and similar issues, shall be resolved by the Special Master in the first instance. If necessary, the Special Master may invoke the assistance of this court to enforce any disputed rulings or orders.

This Order is effective immediately and shall remain in effect until further order of the court.

By the Court, (Cypher, J.)

/s/ Maura S. Doyle

Clerk

Entered: March 5, 2021