

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

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

COMMITTEE FOR PUBLIC COUNSEL SERVICES & others¹

vs.

DISTRICT ATTORNEY FOR HAMPDEN COUNTY.

ORDER OF REFERENCE

This case came before the court, Wendlandt, J., on a petition for relief pursuant to G. L. c. 211, § 3, and for declaratory relief pursuant to G. L. c. 231A, § 1. Pursuant to the court's Third Interim Order, the parties submitted a "Joint Statement of Agreed Facts and Contested Material Facts" and the "Parties' Response to Question 1 of the Third Interim Order," which required the parties to list the agreed legal issues and contested material legal issues for this case. Because the parties have been unable to agree to all facts necessary to permit the court to decide the issues raised in the petition, or to come to a complete agreement as to the legal issues that must be decided, it is hereby ORDERED that the Honorable Judith Fabricant (ret.) is appointed as a special master in this matter, and the matter is referred to her as provided below. The proceedings may be conducted remotely, at the discretion of the special master.

The parties shall provide the special master with a copy, both on paper and in electronic form, of the materials that have been filed in this matter within five business days of the entry of

¹ Chris Graham, Jorge Lopez, Meredith Ryan, Kelly Auer, and Hampden County Lawyers for Justice.

this order. The special master shall determine which relevant facts have been agreed to by the parties. The special master shall make any and all findings of fact and credibility determinations, beyond the facts agreed to by the parties, that she deems necessary and relevant to resolution of the legal issues raised by the petitioners in their petition, the legal issues raised by the respondents in their opposition to the petition, the legal issues that the parties have agreed are raised for this case, and any other legal issues that the special master deems necessary and relevant to resolution of the case.

The special master may schedule a hearing or hearings, as she deems necessary; may receive evidence, including, if she deems it appropriate, witness testimony; may, in her sole discretion, invite participation from other stakeholders whom she believes may be necessary or desirable parties; and may take any other steps that she deems appropriate to marshal the evidence and provide a report to this court of her findings of fact, credibility determinations, determinations as to agreed facts, and any recommendations or conclusions of law. The special master shall have and exercise the power to regulate the course of these proceedings and to make relevant evidentiary and other rulings that may be required, as she deems necessary. The parties are directed to make every reasonable effort to assist the special master in the manner she prescribes with this fact-finding process. If necessary, the special master may invoke the assistance of this court to enforce any disputed rulings or orders.

The special master shall file a report of her findings and conclusions on or before November 1, 2022, although the special master may request additional time if she finds it necessary to do so.

So ordered.

/s/ Dalila Argaez Wendlandt
Dalila Argaez Wendlandt
Associate Justice

Entered: April 19, 2022