

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.

THIRD INTERIM ORDER

On October 8, 2021, a second interim order entered in this case requiring that the parties to provide the court every forty-five days with status reports concerning identification and disclosure of information pertaining to alleged misconduct by unnamed members of the Springfield police department (SPD), in light of a July, 2020 Department of Justice (DOJ) report. The parties now have submitted their second status reports. Among other things, those reports describe on-going efforts to identify potentially affected defendants for the purpose of specific disclosures, pending Federal litigation concerning documents related to the DOJ report, and existing Superior Court discovery proceedings relating to petitioner Jorge Lopez's pending criminal charges.

Having reviewed the parties' materials, and in view of the ongoing efforts to identify and produce the information, I conclude that no direct immediate action by this court is required at the present time, but that the parties should continue to make reasonable efforts to effectuate

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

disclosure of the information as far as they are able, and should continue to file periodic status reports as described in the Second Interim Order. The parties shall each provide their next periodic status reports no later than February 7, 2022.

Further, the parties are also directed to file the following material no later than February 7, 2022:

1. A joint statement of agreed legal issues and contested material legal issues for this case; and

2. A joint statement of agreed facts and contested material facts for this case.

By February 7, 2022, the parties shall also state their respective positions on the following:

3. Whether there are any other indispensable or desirable parties to this litigation, such as the city of Springfield, the Springfield police department, or the Attorney General;

4. The specific bases for the standing of each petitioner;

5. Whether G. L. c. 231A, § 1, and G. L. c. 211, § 3, are appropriate vehicles by which to seek the relief requested by the petitioners, including whether the issues adequately can be raised in the ordinary process of trial and appeal concerning petitioner Lopez or any other individual defendant;

6. The current status of the city of Springfield's work product claim with respect to the report prepared by Deputy Chief Steven Kent;

7. The district attorney's present protocol, if any, for disclosure of so-called "Brady/Giglio material" to individual defendants relating to the incidents described in the DOJ's 2020 report; and

8. The status of the legal action the district attorney filed in the United States District Court for the District of Massachusetts against the United States Attorney for the District of Massachusetts seeking to obtain materials relevant to the DOJ report and investigation.

By the Court,

/s/ Dalila Argaez Wendlandt

Dalila Argaez Wendlandt
Associate Justice

Entered: December 8, 2021