

COMMONWEALTH OF MASSACHUSETTS  
SUPREME JUDICIAL COURT

Suffolk, ss.

No. SJC 2020-12395  
Super. Ct. No. 20-00855-D

**STEPHEN FOSTER, MICHAEL GOMES,  
PETER KYRIAKIDES, RICHARD  
O'ROURKE, STEVEN PALLADINO,  
MARK SANTOS, DAVID SIBINICH,  
MICHELLE TOURIGNY, MICHAEL  
WHITE, FREDERICK YEOMANS, and  
HENDRICK DAVIS**, individually and on  
behalf of all others similarly situated,

Plaintiffs,

v.

**CAROL MICI**, Commissioner of the  
Massachusetts Department of Correction,  
**GLORIANN MORONEY**, Chair  
Massachusetts Parole Board, **THOMAS  
TURCO**, Secretary of the Executive Office of  
Public Safety and Security, and **CHARLES  
BAKER**, Governor of the Commonwealth of  
Massachusetts,

Defendants.

**PLAINTIFFS' STATEMENT OF FACTS NOT AGREED TO  
BY GOVERNOR BAKER**

Pursuant to the Reservation and Report & Interim Order issued on April 20, 2020 by the Single Justice Session of the Supreme Judicial Court and the Notice of Evidentiary Hearing and Pre-Hearing Requirements issued on April 21, 2020 by the Superior Court, the Plaintiffs in the above-captioned case submit that the relevance of the following fact is disputed by Defendant Governor Baker but the accuracy of the quotation is not disputed.

1. On March 31, 2020, during a press conference, Governor Baker made the following statement regarding *Comm. For Pub. Counsel Servs. et al. v Chief Justice Of The Trial Ct.*, SJC No. 12926: “We don’t buy as a matter of law, fact, or policy that the argument that’s being made before the court is the correct one. We believe the correct position is for us to continue to do the things we’re doing to keep the people inside the system safe, and that’s gonna be the way we play this one. I mean, if the courts make a ruling that’s different, we’re obviously going to read it and incorporate it into the way we make decisions.”

Dated: April 24, 2020

Respectfully Submitted,

/s/ Bonita P. Tenneriello

Elizabeth D. Matos (BBO #671505)

James R. Pingeon (BBO #541852)

Bonita P. Tenneriello (BBO #662132)

David Milton (BBO #668908)

Michael J. Horrell (BBO #690685)

Prisoners’ Legal Services

50 Federal Street, 4<sup>th</sup> Floor

Boston, MA 02110

Telephone: (617) 482-2773

lmatos@plsma.org

jpingeon@plsma.org

btenneriello@plsma.org

dmilton@plsma.org

mhorrell@plsma.org

*Attorneys for Plaintiffs*

### **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was served on April 24, 2020 by email to the following addresses:

- pmoore@hembar.com
- rmcmanus@hembar.com
- varslanian@hembar.com
- nancy.white@state.ma.us
- bradley.sultan@state.ma.us
- richard.gordon@state.ma.us
- stephanie.m.caffrey@state.ma.us
- philip.silva@state.ma.us
- charles.anderson2@state.ma.us
- dina.paciello@state.ma.us
- pamela.a.murphy@state.ma.us
- robert.quinan@mass.gov
- susan.terrey4@state.ma.us
- stephen.dietrick@state.ma.us

/s/ Bonnie P. Tenneriello  
Bonnie P. Tenneriello