

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MICHELLE L. KOSILEK,)	
Plaintiff,)	
)	
v.)	C.A. No. 00-12455-MLW
)	
LUIS S. SPENCER, ET AL.)	
Defendants.)	

ORDER

WOLF, D.J.

August 18, 2011

For the reasons stated in court at the hearing on August 18, 2011, it is hereby ORDERED that:

1. Luis S. Spencer, the current Commissioner of the Department of Corrections, is substituted as the defendant in this case.

2. The parties shall, by September 16, 2011, submit supplementary memoranda concerning the recent, relevant authority addressed at the hearing. Among other things, they shall address whether this court may rely on the factual findings in Battista v. Clarke, No. 10-1965, 2011 WL 1902165 (1st Cir. May 20, 2011), affirming Battista v. Dennehy, No. 05-11456-DPW (D. Mass. Aug. 23, 2010), in deciding this case. They shall also address the import, if any, of the factual findings in the other cases discussed, including O'Donnabhain v. Commissioner of Internal Revenue, 134 T.C. No. 4 (2010).

3. Responses shall be filed by October 4, 2011.

4. Unless otherwise ordered, a further hearing will be held on
October 11, 2011, at 3:00 p.m.


UNITED STATES DISTRICT JUDGE