

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DIANE LePAGE individually and as *
Administratrix of the estate of *
ALLAN P. LePAGE, and *
ALLAN P. LePAGE, JR., *

Plaintiffs, *

v. *

Civil Action No. 1:12-10299-JLT

E-ONE, INC., and *
GREENWOOD EMERGENCY *
VEHICLES, INC., *

Defendants. *

ORDER

June 7, 2012

TAURO, J.

After a Scheduling Conference held on June 6, 2012, this court hereby orders that:

1. Plaintiffs will file a Motion to Amend the Complaint, so as to state claims under the laws of the State of Rhode Island.¹ The Motion shall contain the proposed amended complaint as an exhibit. The Motion shall be filed no later than June 20, 2012.
2. Defendant Greenwood Emergency Vehicles, Inc.’s Motion to Dismiss [#8] is

¹Cosme v. Whitin Mach. Works, Inc., 417 Mass. 643, 645 (1994) (“Traditionally, in matters of tort, the courts of [Massachusetts] apply the substantive laws of the jurisdiction wherein the tort occurred.”); see also Cohen v. McDonnell Douglas Corp., 389 Mass. 327, 332 (1983) (For purposes of choice of law rules, claims for breach of warranty are treated as tort claims.) Here, the injury and the consequences of that injury occurred in Rhode Island, and under Massachusetts choice of law rules, Rhode Island law should apply.

DENIED AS MOOT in light of the First Amended Complaint [#11].

3. Defendant Greenwood Emergency Vehicles, Inc.'s Motion to Dismiss the First Amended Complaint [#13] is DENIED WITHOUT PREJUDICE to being re-raised once Plaintiff has filed a Second Amended Complaint.
4. The Parties are hereby authorized to take the following depositions:
 - a. Plaintiff: (1) Anthony Vitone; (2) Robert C. Hutchinson; (3) William Foley; (4) Keith Notoriani; (5) Chief Barrington; (6) Keeper of Records of the Kingston Fire Department; (7) Rule 30(b)(6) Representative of E-One, Inc.; (8) Rule 30(b)(6) Representative of Greenwood Emergency Vehicles, Inc.; (9) Stacy C. Wertman; (10) Jay L. Tarley; (11) Patricia Gardner; (12) Michael Picard; (13) Det. Sgt. Joel J. Ewing-Chow; (14) Det. Raymond D. LaMont, Jr.; (15) Any and all employees of Defendant Greenwood Emergency Vehicles who performed maintenance on the truck at issue; (16) Dr. John Barrett; (17) Lisa Gallagher; and (18) Sara Little.
 - b. Defendant E-One Inc.: (1) Diane LePage; (2) Allan P. LePage, Jr.; (3) 30(b)(6) designee of Greenwood Emergency Vehicles, Inc.; (4) Jim Lafontaine and other agents, servants or employees of National Engineering & Testing Services; (5) James Cannata; (6) John Dryda; (7) Other agents, servants or employees of the American Test Center; (8) Current or former officers, members or employees of the Kingston Fire District/Kingston Fire Department; (9) Robert Hutchinson; (10) Nathan Barrington; (11) Robert Perry; (12) Keith Notoriani; (13) Jodi Hall;

(14) Elizabeth McNab; (15) Current or former officers, members or employees of the Kingston Volunteer Fire Company; (16) Current or former officers, servants, or employees of the University of Rhode Island Department of Public Safety; (17) Major Stephen Baker; (18) Off. Sheldon; (19) Paul Perrone; (20) Robert Drapeau; (21) Current or former officers, servants or employees of the Union Fire District; (22) Chief Robert Perry; (23) Deputy Chief Steven Pinch; (24) Fire Marshal Thomas Reed; (25) Current or former officers, members, or employees of the West Kingston Fire Department; (26) Current or former officers, members or employees of the Hope Valley, Wyoming Fire District; (27) Agents, servants, employees or consultants of Public Safety Training Associates; (28) Steve Coulon; (29) Steve Colson; (30) Brian Boll; (31) Tim Mayer; (32) Members or employees of the South Kingston Police Department; (33) Det. Sgt. Joel Ewing-Chow; (34) Sgt. Patricia Gardner; (35) Ptlm. Michael Picard; (36) Det. Raymond Lamont, Jr.; (37) Agents, servants, or employees of the Rhode Island Department of Labor and Training; (38) James Larisa; (39) Agents, servants or employees of the Rhode Island State Fire Marshal; (40) Bruce Quinn; (41) Agents, servants, employees or consultants of the National Institute for Occupational Safety & Health, Firefighter Fatality Investigation and Prevention Program; (42) Stacy Wertman; (43) Matt Boyer; (44) Agents, servants or employees of the Rhode Island Office of the State Medical Examiners; (45) Alexander

Chirkov, M.D.; (46) Responding EMTs and/or paramedics;
(47) Decedent's health care providers; (48) Agents, servants or employees
of the South Kingston Firefighters Relief Association.

c. Defendant Greenwood Emergency Vehicles, Inc.: (1) James Cannata;
(2) John Dryda; (3) Stacy C. Wertman; (4) Jay L. Tarley; (5) State of
Rhode Island Medical Examiner; (6) Kingston, Rhode Island Fire
Department Keeper of Records; (7) Kingston, Rhode Island Fire
Department Fire Chief; (8) Kingston, Rhode Island Fire Department
Firefighters on duty with Allan LePage; (9) State of Rhode Island State
Police Officers; (10) Kingston, Rhode Island Police Department.

3. The above-listed depositions must be completed by **January 13, 2013**.
4. No further discover is permitted without leave of this court.
5. A Further Conference is scheduled for **February 5, 2013** at **12:30 p.m.**

IT IS SO ORDERED.

/s/ Joseph L. Tauro
United States District Judge