

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
C.A. NO. 1684CV00969A

MASSACHUSETTS ASSOCIATION OF
COURT INTERPRETERS, INC., MOUSSA
ABBOUD, SOLEDADE GOMES
DEBARROS, ANAHIT FLANAGAN,
NORMA V. ROSEN-MANN, and MICHAEL
R. LENZ, individually, and on behalf of other
persons similarly situated,

Plaintiffs,

v.

EXECUTIVE OFFICE OF THE TRIAL
COURT,

Defendant.

**THE TRIAL COURT'S SUPPLEMENT TO ITS OPPOSITION TO
PLAINTIFFS' MOTION TO COMPEL**

Pursuant to the Court's direction at the March 30, 2021 hearing on the motion to compel of plaintiffs Massachusetts Association of Court Interpreters, Inc.'s ("MACI"), Moussa Abboud, Soledade Gomes Debarros, Anahit Flanagan and Norma Rosen-Mann (collectively, "Plaintiffs"), the defendant, the Trial Court, hereby submits this supplement to its opposition. In a good faith effort to resolve the discovery dispute, the Trial Court has agreed (1) to provide the requested Daily Service Records ("DSRs") for inspection and copying, and (2) to perform a more expansive set of email searches for documents relevant to Plaintiffs' claims. With respect to the DSRs specifically, the Trial Court has agreed to provide the DSRs of per diem court interpreters for inspection by Plaintiffs' counsel within the relevant date range, consistent with COVID safety protocols. The Trial Court has also agreed to arrange for the copying and scanning of all

DSRs that indicate a change by the Trial Court to the compensation amount requested by the per diem court interpreter.

The Trial Court's proposal is a reasonable resolution of the discovery dispute and provides a balanced approach to Plaintiffs' need for discovery and the burden on the Trial Court posed by Plaintiffs' request. The Trial Court has at least 85 bankers boxes of DSRs in the relevant date range. Litigation support vendors estimate that the cost of copying these boxes runs between \$350 and \$500 per box.¹ Copying all the DSRs would therefore cost between \$29,750 and \$42,500. Even with a narrower date range recently proposed by Plaintiffs' counsel (all of 2014, and six months of 2015 and 2016 (April to June and September to November)), the estimate comes to 30 boxes, at a cost of between \$10,500 and \$15,000. Plaintiffs have not established that these costs would be in reasonable proportion to their putative class claims. Plaintiffs received the DSRs for the five named plaintiffs *two and a half years ago*—and yet have apparently not systematically reviewed these documents to date and have not identified the claimed amount for these *five* individuals, let alone identified what they expect to find in the documents for nearly two hundred putative class members.

The Trial Court therefore requests that Plaintiffs' motion to compel be denied on the grounds that the Trial Court has made a reasonable response to Plaintiffs' request for the production of documents.

¹ Because the Trial Court does not have the resources to copy 30 boxes of documents in-house, copying and scanning such documents would require the services of a vendor.

Respectfully submitted,

Defendant THE TRIAL COURT

By its Attorneys,

MAURA HEALEY,
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Date: April 20, 2021

CERTIFICATE OF SERVICE

I hereby certify that I have this day, April 20, 2021, served the foregoing document upon all parties, by emailing a copy to:

Alan Jay Rom, Esq.
Rom Law P.C.
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/s/ Katherine B. Dirks
Katherine B. Dirks