

HEARING DATE: December 10, 2019

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, SC.

SUPERIOR COURT

Neil Provorse, Individually	:	
Dorothy Provorse, Individually,	:	
Neil Provorse and Dorothy Provorse	:	
as parents and next friend of Tanya Provorse, a minor,	:	
PLAINTIFFS	:	
	:	C.A. No. 03-4268
vs.	:	
	:	
State of Rhode Island and Providence Plantations,	:	
Donald L. Carcieri, in His Official Capacity as	:	
Governor for the State of Rhode Island and Providence	:	
Plantations, State of Rhode Island and Providence	:	
Plantations, Department of Children, Youth and	:	
Families, Jay Lindgren, in His Official Capacity as	:	
Director of the Department of Children, Youth and	:	
Families, John Doe State Agency Nos. 1-5,	:	
Adoption Rhode Island, Jane Doe Not-For-Profit	:	
Corporation Nos. 2-5, John Doe Corporation Nos.2-5,	:	
Michael Moretti, Alias,	:	
Maureen Robbins, Alias,	:	
Tara Slattery, Alias,	:	
John Doe Nos. 1-10, and	:	
Pat Keogh, Alias, and Jane Doe Nos. 2-10,	:	
DEFENDANTS	:	

MOTION TO CLOSE DISCOVERY

NOW COME Plaintiffs, pursuant to Rule 7 of the Rhode Island Superior Court Rules of Civil Procedure, and hereby move this Honorable Court for an order closing discovery in the above-captioned case as follows:

1. Discovery of all parties closes as of December 31, 2019.

As a basis for said motion Plaintiffs state the following:

1. This case was filed in the year 2003;
2. Discovery has been ongoing throughout the past 16 years;
3. Defendants have exhausted all efforts to have Plaintiffs' case dismissed, concluding with the May 17, 2019 Decision of Superior Court Justice Melissa Long;
4. Plaintiffs informed Defendants that they have no further discovery to conduct;
5. Plaintiffs requested, on several occasions, that Defendant indicate what final discovery they intend to conduct;
6. Defendants, to date, have failed to provide any dates for depositions of Plaintiffs' expert witnesses, nor have they indicated that they do not intend to undergo further discovery;
7. But for Defendants delay in concluding their discovery requests, Plaintiffs are ready to file a Motion To Assign this matter to the trial calendar;
8. Plaintiffs are unduly prejudiced by the ongoing delays by Defendants, in this sixteen year old case;
9. Justice mandates that a final date to close discovery be set by this Honorable Court, absent agreement of the parties.

WHEREFORE, Plaintiffs pray that this Honorable Court GRANT Plaintiffs' Motion To Close Discovery as of December 31, 2019.

Attorney for Plaintiffs,
NEIL PROVORSE, et al.,
/s/ Diane Messere Magee
Diane Messere Magee (#5355)
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Dated: November 20, 2019

CERTIFICATION

I hereby certify that on this 20th day of November, 2019, I have e-served the within document via the ECF filing system and that it is available for viewing and downloading:

State of Rhode Island and Providence Plantations
Office of Attorney General
ATTN.: Neil Kelly, Esq.
Katherine Sadeck, Esq.
Andrea Shea, Esq., CIVIL DIVISION
150 South Main Street
Providence, Rhode Island 02903

/s/ Diane Messere Magee