

STATE OF RHODE ISLAND
PROVIDENCE COUNTY, Sc.

SUPERIOR COURT

In re PENSION CASES

:
:
: PC-10-2859
: PC-12-3166
: PC-12-3167
: PC-12-3168
: PC-12-3169
: PC-12-3579
: KC-14-0345
: PC-14-4343
: PC-14-4768

ORDER AMENDING PRETRIAL ORDER AND APPOINTING A MASTER

Pursuant to Rules 16 and 53, Super.R.Civ.P., the Court enters the following:

1. The pretrial orders entered on February 27, 2015 in the above-captioned actions shall remain in full force and effect, including trial date certain of April 20, 2015, excepting only as follows:
 - a. Discovery shall close on March 30, 2015.
 - b. Pretrial memoranda shall be due ten days after the Court renders all decisions on dispositive motions now scheduled for hearing on March 26, 2015.
2. Due to the complexity of discovery and issues presented in these cases and pursuant to the Court's authority under Rule 53(b)(2), Super.R.Civ.P., the Court hereby appoints Hon. Frank J. Williams, Chief Justice, retired, to serve as Master.
3. The reference to the Master shall include:
 - a. Addressing all discovery issues;
 - b. Resolving outstanding and prospective discovery motions, including motions scheduled for hearing on March 6, 2015, which are expressly referred to the Master;

SUPERIOR COURT
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HENRY S. KINCH JR., CLERK
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c. Assist the parties in narrowing and/or resolving disputed issues by agreement, subject to further approval by the Court.

4. The Master shall be vested with all powers set forth in Rule 53 necessary to fulfill the reference stated above.

5. The Master shall submit his report on or before April 15, 2015.

ENTERED as the Order of the Court this 9th day of MARCH, 2015.

Enter:

Tyler Carter, Jr.
Associate Justice

By Order,

John M. Deppa
Superior Court Clerk

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, SC.

SUPERIOR COURT

**RHODE ISLAND PUBLIC EMPLOYEES' :
RETIREE COALITION, AFSCME, :
COUNCIL 94 RETIREE CHAPTER, :
NEARI-RETIRED, RI AFT/R LOCAL 8037, :
RHODE ISLAND RETIRED TEACHERS :
ASSOCIATION, RHODE ISLAND :
ASSOCIATION OF RETIRED PRINCIPALS, :
RHODE ISLAND LABORERS' RETIREE :
COUNCIL, DAVID FLORIO, JAMES GILLIS, :
CAROL KEISER, MARK KURTZMAN, :
MARY ANN PARKER, ANTHONY :
PICCIRILLI :**

VS.

C.A. No. PC 12-3166

**LINCOLN D. CHAFEE, in his capacity as :
Governor of the State of Rhode Island, :
GINA RAIMONDO, in her capacity as :
General Treasurer of the State of Rhode :
Island, and the EMPLOYEES' RETIREMENT :
SYSTEM OF RHODE ISLAND, by and through :
the RETIREMENT BOARD, by and through :
Gina Raimondo, in her capacity as Chairperson :
of the Retirement Board, and Frank J. :
Karpinski, in his capacity as Secretary of the :
Retirement Board :**

PRE-TRIAL ORDER

**DATE CERTAIN TRIAL: Providence County Superior Court, April 20, 2015; 4-6 WEEKS
DISPOSITIVE MOTIONS: March 26, 2015 - Newport County Superior Court at 9:30 am.**

- (1) Pretrial memoranda shall be filed with the Court, in original and duplicate form and with appropriate citations, on or before April 1, 2015.
- (2) The pretrial memoranda shall include:
 - (a) A list of witnesses;
 - (b) A list of persons whose names may be mentioned in exhibits or through testimony of witnesses; and

- (c) Any complex legal issues which may be raised during the course of trial shall be summarized with copies of legal authorities attached.
- (3) Except as provided herein, all motions *in limine* with supporting memoranda shall be filed with the Court, in original and duplicate form and with appropriate citations, on or before April 1, 2015.
- (4) A copy of each exhibit shall be given to opposing counsel and the Court. An objection to an exhibit's admission as a full exhibit shall be noted on the Court's copy.
- (5) Parties shall submit their proposed jury instructions on or before April 15, 2015.
- (6) Any exhibits a party wishes to use during opening statement must be shown to opposing counsel and the Court in advance of the beginning of the opening statement.
- (7) Any party who anticipates use of a report or other document to contradict or impeach testimony of a witness or to refresh his/her memory shall make an additional copy of the document available to the witness and the Court.
- (8) The party possessing the original transcript of any deposition shall deliver it to the Clerk prior to jury selection.
- (9) Use of depositions in lieu of live testimony at trial:
- (a) Whether the party presenting the deposition intends to read from a transcript or present the deposition by videotape, the following rules apply:
- (1) Counsel shall confer to make sure that all of the testimony offered on direct, cross-examination, redirect examination, etc. that any party wishes to present is presented in the order in which it was given at the deposition; and
- (2) All objections shall be ruled upon before the deposition is presented.
- (b) If the deposition transcript is presented, a lawyer shall take the witness stand and read the answers.

- (c) If the deposition is to be presented by videotape, the tape shall be edited to remove all speeches from counsel and all portions of the deposition that are not to be presented to jury, including any portions of the deposition that have been excluded by the Court.

ENTER:

BY ORDER:



Sarah Taft-Carter
Associate Justice



Clerk


DATED: 2-27-15