

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

**CASSIE M., by Next Friend Kymberli Irons;)
and DANNY B., by Next Friend Gregory C.)
Elliott; for themselves and those similarly)
situated,)**

Plaintiffs,)

v.)

**LINCOLN D. CHAFEE, in his official)
capacity as Governor of the State of Rhode)
Island; STEVEN M. COSTANTINO, in his)
official capacity as Secretary of the)
Executive Office of Health & Human)
Services; and JANICE E. DEFRANCES, in)
her official capacity as Director of the)
Department of Children, Youth & Families,)**

Defendants.)

**Class Action
Civil Action No. 1:07-cv-00241-ML-LDA**

PLAINTIFFS' NOTICE OF APPEAL

Pursuant to Rule 3 of the Federal Rules of Appellate Procedure, notice is hereby given that Named Plaintiffs Cassie M. and Danny B., by their Next Friends and on behalf of themselves and the putative class, appeal to the United States Court of Appeals for the First Circuit from the following rulings in this case:

1. the Order and Judgment entered in this action on April 30, 2014 (Dkt. Nos. 499, 500) dismissing Plaintiffs' substantive due process claims (Counts I and II of Plaintiffs' Second Amended Complaint) and Plaintiffs' claims under the federal Adoption Assistance and Child Welfare Act, 42 U.S.C. §§ 670 *et seq.* (Count IV of Plaintiffs' Second Amended Complaint);

2. the District Court's February 12, 2013 Order (Dkt. No. 278) affirming Magistrate Judge Almond's December 17, 2012 Order (Dkt. No. 230) granting Defendants a protective

order that barred Plaintiffs from obtaining discovery concerning whether Defendants are engaging in policies and customs that are subjecting Plaintiffs to an unreasonable risk of harm;

3. the District Court's refusal to entertain Plaintiffs' June 28, 2007 initial Motion for Class Certification until February 21, 2012;

4. the District Court's February 21, 2012 Text Order finding Plaintiffs' initial Motion for Class Certification to be "moot";

5. the District Court's refusal to decide Plaintiffs' February 26, 2013 Second Motion for Class Certification at any time prior to a full trial on the merits of the Named Plaintiffs' individual claims;

6. the District Court's August 19, 2013 Order (Dkt. No. 366) (i) denying Plaintiffs' motion to decide Plaintiffs' Second Motion for Class Certification prior to trial on the Named Plaintiffs' individual claims, (ii) denying Plaintiffs' motion to set a revised schedule for briefing on Plaintiffs' Second Motion for Class Certification, and (iii) denying Plaintiffs' motion for additional discovery; and

7. the District Court's September 24, 2013 Text Order denying Plaintiffs' motion to compel Defendants to permit private meetings between the individual Named Plaintiffs and their Next Friends and/or Plaintiffs' counsel for the purpose of preparing for trial on the Named Plaintiffs' individual claims.

DATED: May 29, 2014

RESPECTFULLY SUBMITTED:

/s/ William Kapell

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CERTIFICATE OF FILING AND SERVICE

I hereby certify that on May 29, 2014, I caused the foregoing document to be electronically filed with the United States District Court for the District of Rhode Island, and it is available for viewing and downloading from the ECF system for all counsel of record. I further certify that on this day I caused to be served, via ECF, a copy of said document to the attorneys of record listed below:

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