

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ALEXANDER PANGBORN,

Plaintiff,

v.

CARE ALTERNATIVES OF
MASSACHUSETTS, LLC D/B/A ASCEND
HOSPICE; and CARE ONE MANAGEMENT
LLC.,

Defendants.

Civil Action No. 3:20-cv-30005-MGM

AFFIDAVIT OF BENNETT H. KLEIN

1. Chris Erchull and I are attorneys representing the plaintiff Alexander Pangborn in this case.
2. On or about March 10 or 11, 2020, Cheryl B. Pinarchick, counsel for the defendants, contacted Attorney Erchull and me to request our assent to an extension of the date for the defendants' response to the plaintiff's complaint from March 16, 2020 to May 15, 2020, based on defendants' position that the case should be stayed until the United States Supreme Court decides *G.R. & R.G. Harris Funeral Homes, Inc. v. Equal Employment Opportunity Commission* ("*Harris Funeral Homes*"), no. 18-107, *cert. granted*, 139 S. Ct. 1599 (Apr. 22, 2019). Attorney Pinarchick posited that a sixty-day extension was a reasonable period of time to postpone filing in anticipation of the Supreme Court's decision in *Harris Funeral Homes*.
3. In a phone conversation on or about March 11, 2020, Attorney Erchull and I indicated that we did not agree to stay the case pending a decision in *Harris Funeral Homes*. Attorney Pinarchick stated that she would discuss with her clients "what they want to

do,” presumably referring to whether defendants would file a motion for a stay with the Court.

4. Attorney Erchull and I indicated that, while we did not agree that a stay of the case was warranted, we would grant the defendants additional time to respond to the complaint if needed. Attorney Pinarchick requested an extension to March 30, 2020, which we assented to.
5. On March 27, 2020, three days before the filing deadline, Monica P. Snyder, counsel for the defendants, contacted me by phone and asked for the plaintiff’s assent to a request for an additional extension of 30 days to file a response to the plaintiff’s complaint, in part due to the COVID-19 public health crisis. I assented to that request. Attorney Snyder did not raise in that phone call any issue about a stay of the proceedings pending *Harris Funeral Homes*.

SIGNED UNDER THE PENALTIES OF PERJURY THIS 6TH DAY OF MAY, 2020.

/s/ Bennett H. Klein
Bennett H. Klein

Dated: May 6, 2020