


Status Review (CV) Order		DOCKET NUMBER 1143CV000293	Trial Court of Massachusetts Department	
CASE NAME Brian Johnson v. Peter Frei				
ATTORNEY (OR PRO SE PARTY) TO WHOM THIS COPY OF TRIAL ORDER IS ISSUED Peter Frei 101 Maybrook Road HOLLAND, MA 01521			COURT NAME & ADDRESS Palmer District Court 235 Sykes Street - Suite 3 * Springfield District Court 50 State St., Springfield, MA 01102 Palmer, MA 01069	
DATE & TIME JURY TRIAL IS SCHEDULED Jury Trial (CV) September 17, 2019 @ 9:00 A.M. Civil Session			JUDGE ISSUING ORDER Hon. Michael E. Mulcahy	
			COURT CONTACT PERSON Pat Sullivan/ Damaris Pinkston	
			COURT CONTACT PERSON PHONE NUMBER 413-283-1005/413-748-8600	
After pre-trial conference/conciliation and upon scheduling of this matter for (Status Review (CV)) at the above named court on the date and time indicated above, it is ORDERED as follows:				
<ol style="list-style-type: none"> Witness Lists: Counsel for each party shall submit a list of witnesses expected to testify at trial, containing the name and address of each prospective witness, to the trial judge at the beginning of the trial. Persons not included in such lists may be precluded from testifying, in the discretion of the trial judge. Agreed Exhibits: Counsel for each party shall confer in advance of the trial for the purpose of agreeing to exhibits for trial. All agreed exhibits shall be pre-marked by counsel with exhibit labels bearing numerical designations (i.e. Exhibit 1, Exhibit 2, etc.). Counsel shall submit a list of Agreed Exhibits, containing the exhibit numbers and summary description of the exhibits, to the trial judge at the beginning of the trial. Proposed Exhibits: All proposed exhibits on which counsel do not agree shall be pre-marked by counsel for the offering party with exhibit labels bearing alphabetical designations for identification (i.e. Plaintiff's Exhibit A for ID, etc.). Each counsel shall submit a list of proposed exhibits, containing the exhibit letters and summary descriptions of the exhibits, to the trial judge at the beginning of the trial. Any exhibit offered at trial which is neither agreed to nor identified on the proposed exhibits list may be precluded, in the discretion of the trial judge. Stipulations: Counsel for each party shall confer in advance of the trial for the purpose of stipulating to all material facts which are not in dispute. Counsel shall submit a list of any stipulations to the trial judge at the beginning of the trial. Audio-Visual Expert Witness Depositions for Trial: To reduce the expense of litigation and to avoid delay of trial because of unavailability of expert witnesses, leave is hereby granted for any party, upon notice to opposing counsel and in accordance with Mass. R. Civ. P. 30A(m), to conduct audio-visual depositions of their treating physician or other expert witnesses in lieu of oral testimony at trial. Notwithstanding Mass. R. Civ. P. 30A(m)(2) & (4), notice of the audio-visual deposition may be served simultaneously with service of the witness' curriculum vitae and written report, and evidentiary objections shall be filed with the trial judge at the beginning of the trial. Any objections to this procedure shall be filed and heard as discovery motions in advance of the trial date. Summaries of Voluminous Exhibits: Counsel are encouraged to prepare summaries of voluminous exhibits, such as medical records and bills, to assist the trial judge's review of the facts. See Proposed Mass. R. Evid. 1006 (1980). Non-Massachusetts Authorities: Counsel who submit any requested rulings of law, jury instructions or memoranda of law which cite federal or other non-Massachusetts cases and statutes are requested to append copies of such cases or statutes for the convenience of the trial judge. Proposed Jury Instructions: In cases to be tried to a jury, counsel are directed to file any requested jury instructions with the court before the trial begins, without prejudice to supplementation of such request at the close of the evidence. For the convenience of the trial judge, requested jury instructions shall be consecutively numbered with instructions concerning separate topics listed on separate pages. Continuances: To expedite decision by the Justice assigned to the session, or, if that Justice is not available, by the First Justice, any motions for continuance of the trial date shall include affidavits of counsel in accordance with Mass. R. Civ. P. 40 and shall be sent directly to the attention of the court contact person named above. Trial dates may be continued for good cause only. Settlement: Counsel in cases which settle before the trial date shall notify the court contact person named above to permit the scheduling of other cases for trial. 				
DATE ISSUED 04/10/2019		CLERK-MAGISTRATE Brian M St. Onge		

**PRETRIAL CONFERENCE
REPORT**

DOCKET NO.

1143CV293

Trial Court of Massachusetts
District Court Department



PLAINTIFF(S)

AIN CC
BRIAN JOHNSON

VS.
DEFENDANT(S)

Peter Frei

COURT DIVISION

PALMER DISTRICT COURT
OFFICE OF CLERK-MAGISTRATE
235 SYKES STREET STE. 3
PALMER, MA 01069-1190

The following report summarizes the matters dealt with during the Pretrial Conference on:

4/9/19
CONFERENCE DATE

- ☐ Case reported settled. 30-day Order of Dismissal Nisi ☐ all counsel informed. ☐ to be sent to all parties.
- ☐ Plaintiff(s) failed to appear. Case to be dismissed.
- ☐ Defendant(s) failed to appear. Default to be entered.
- ☐ Plaintiff(s)/Defendant(s) failed to comply with Pretrial Order. Counsel should show cause why sanctions should not be imposed.

☒ The case is ready for trial and, after consultation with counsel, is assigned a firm date for trial on

DATE

at _____ a.m./p.m. in the _____
TIME COURTROOM

- ☐ Bench Trial ☐ Jury Trial
- ☐ Trial Order: ☐ has been given to counsel in hand. ☐ to be sent to all parties.
- ☒ Trial is estimated to take _____ hours/days.
- ☐ Estimated number of witnesses for Plaintiff(s): _____. For Defendant(s): _____.

☒ Percent Rating for likelihood of trial:

Case

Definitely
Will Settle

⇐ 10% 20% 30% 40% 50% 60% 70% 80% 90% 100% ⇒

Case
Definitely
Will Try

- ☐ Case referred to mediation at: _____ on _____ at _____ am/pm.
- ☐ Case not ready for trial. Scheduled for further pretrial conference on _____ at _____ am/pm.
in _____

COURTROOM

- ☐ Summary jury trial to be conducted pursuant to order given in hand to counsel.

- ☐ NOTES FROM MULCAHY, J. - MR FREI has until April 23
The parties report the following stipulations and/or agreements: To file A MOTION TO RECONSIDER
the denial of his MOTION TO Re-open discovery. MR. Johnson has
until 5/7 to file an opposition. Both parties have until
5/7/19 to file a joint or separate pre-trial memorandum(s).
→ I strongly urge SFID DC to schedule a final PTC.

Remarks/Comments:

→ ONLY OPEN CLAIM is MR FREI'S ABUSE
OF PROCESS CLAIM AGAINST MR JOHNSON
Review Appeal Courts 1/28 Decision for overview.
2017-P-218.

[Signature] Mulcahy 4/9/19

Justice/Clerk-Magistrate/Asst. Clerk-Magistrate/Special Master

Date