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Court Cases

Docket Number: S1502-2002CnC

PLAINTIFFS

Durivage, Clarice D.,etal
Durivage, Elmer N.

PLAINTIFFS ATTORNEYS

Thomas E. McCormick, Esq.

DEFENDANTS

vs. Gibson, Cheryl A.,MD,etal
Fletcher Allen Health Care

DEFENDANTS ATTORNEYS

vs. S. Crocker Bennett, II, Esq.
Ritchie Berger, Esq.

Date Filed: 12-13-2002	Mediation Date: 04-15-2004	Trial Ready Date: 09-01-2005
Date Served: 12-13-2002	Motion Hearing: 10-13-2003	Jury Draw Date: 10-25-2005
Conference Date:	PreTrial Hearing: 09-20-2005	Trial Date: 01-09-2006
Date Closed: 11-14-2005	Claim Amount:	Judgment Amount:
Case Satisfied:	Jury Demand: Y	
Case Type: MALPRACTICE		
Case Disposition: Court dismissed		

DOCKET ENTRIES:
Def Gibson, Cheryl; Serv 12/13/02; Atty S. C. Bennett
Def Fletcher Allen; Serv 12/13/02; Atty R. Berger
12/13/02 Complaint with jury demand filed by Atty G. Caldbeck; sce
01/02/03 Original summons and returns of service of summons and complaint upon Defs filed by Atty D. Schweitzer
01/31/03 Notice of appearance and answer for Def Cheryl Gibson filed by Atty S. C. Bennett; sce
02/03/03 Pltfs' discovery certificate of interrogatories and requests to produce including expert interrogatories upon def Cheryl Gibson filed by Atty G. Caldbeck; sce
02/07/03 Notice of appearance and answer for Def Fletcher Allen

and discovery certificate of first interrogatories and requests
to produce and first requests to admit to Pltfs filed by Atty
R. Berger; sce
02/10/03 Pltfs' discovery certificate of interrogatories and
requests to produce including expert interrogatories upon Def
filed by Atty G. Caldbeck; sce
02/12/03 Pltfs' discovery certificate of answers to Def FAHC's
first request to admit filed by Atty G. Caldbeck; sce
02/13/03 Pltfs' discovery certificate of of first request to
admit on Def Cheryl Gibson filed by Atty G. Caldbeck; sce
03/03/03 Def Cheryl Gibson, M.D.'s discovery certificate of
responses to Pltfs' requests for admission and answers to Pltfs'
first interrogatories and request for production of documents
including expert witness interrogatories filed by Atty S.
Bennett; sce
03/06/03 Defs' discovery certificate of interrogatories and
requests to produce to Pltfs filed by Atty S. C. Bennett; sce
3/11/03 Civil Case Flow Form-1 sent to counsel; Sys
03/18/03 Pltfs' discovery certificate of answers to Def Fletcher
Allen Health Care's first interrogatories and requests to
produce filed by Atty G. Caldbeck; sce
03/24/03 Pltfs' discovery certificate of answers to Def Gibson's
interrogatories and requests to produce upon counsel filed by
Atty G. Caldbeck; sce
04/14/03 Def FAHC's discovery certificate of responses to
Pltfs' first interrogatories and requests to produce upon
counsel filed by Atty R. Berger; sce
04/15/03 Civil case flow form 1 filed; sce
04/22/03 Defs' discovery certificate of interrogatory to Pltf
Clarice Durivage filed by Atty S. C. Bennett; sce
05/02/03 Def, FAHC's motion for summary judgment and statement
of undisputed material facts filed by Atty Clark; hr
05/09/03 Letter from Atty Berger advising that parties have
agreed that Pltfs' responses to defs' motion for summary
judgment need not be filed until 60 days from that filing filed;
hr
05/21/03 Atty. G. Caldbeck's motion to withdraw as counsel for
pltf. filed; cac
05/27/03 Notice of appearance for Pltf filed by Atty T.
McCormick; sce
06/17/03 Entry granting Gareth H. Caldbeck, Esq.'s motion to
withdraw signed and filed herein; copies sent to counsel;
Judge Cashman; hr
07/02/03 Letter stating Atty R. Berger has agreed to an
additional thirty days to respond to motion for summary judgment
filed by Atty T. McCormick; sce
08/22/03 Pltfs' opposition to motion for summary judgment and
statement of material facts in dispute filed by Atty Simon; hr
09/08/03 Def, FAHC's reply in support of motion for summary
judgment filed by Atty Clark; hr
09/17/03 Entry scheduling def, FAHC's motion for summary
judgment on 10/13/03 at 2:00 p.m. stating "No one has shown what
Dodge did wrong, & at whose direction. Is it not pltf's burden
to make this showing? What disputed fact (not concl. of law)
must jury resolve?" signed and filed herein; copies sent to
counsel; Judge Katz; hr
09/18/03 Letter from Atty Bennett indicating he does not object
to FAHC's motion for summary judgment and feels no obligation
to attend hearing on 10/13/03, Atty Spielman may attend for him;

10/13/03 Cause called for hrg. on def. FAHC's motion for summary judgment; in chambers, commenced and completed; FAHC's motion for summary judgment is granted; Judge Katz; no record; c
5/26/04 Civil Case Flow Form-2 sent to counsel; Sys
06/30/04 DISCOVERY CONFERENCE #2 set for 07/20/04 at 08:15; Notice sent to counsel; Sys
07/19/04 Discovery conference set on 7/20/04 cancelled due to: pltf's expert deposition scheduled in September; mediation thereafter; trial ready January; motion/stipulation to extend trial ready dates to be filed by counsel on 7/20/04 per T. McCormick; cac
07/23/04 Motion to extend the trial readiness date with memorandum in support of the motion to extend the trial readiness date filed by Atty S.C. Bennett; jcm
07/29/04 Order granting joint motion to extend the trial readiness date (TR 9/1/04-1/1/05) signed and filed herein; copies sent to counsel; Judge Katz; jcm
08/20/04 Letter from Atty Berger stating that FAHC has been dismissed from the action by grant of summary judgment and therefore he does not need to be copied with further notices or orders filed; pd
11/09/04 Civil Case Flow Form-3 sent to counsel; Sys
12/01/04 Defendant's motion to strike expert disclosure, supporting affidavit with attachments filed by Atty S. Bennett; j
12/20/04 Plaintiffs' response to defendant's motion to strike expert disclosure, exhibit one and affidavit of Thomas E. McCormick filed by Atty T. McCormick; jcm
01/19/05 Order denying defendant Cheryl A. Gibson, M.D.'s motion to strike expert disclosure stating "Def. at ln. 1, p. 6, notes the Leach v. F.A.H.C. #125-02 CnC, where I presided. Both parties were disclosing experts just before trial calling for rulings which apply here. Pltf should amend disclosure to augment opinion and factual basis, def may extend trial date if necessary to depose Dr. Chalhan; fail to see undue prejudice in this case. Parties to file an amended trial readiness and discovery sheet." signed and filed herein; copies sent to counsel; Judge Norton; jcm
02/09/05 DISCOVERY CONFERENCE #3 set for 03/03/05 at 08:15; Notice sent to counsel; Sys
03-02-05 Letter from Atty T.E. McCormick requesting court to enter his appearance for pltf's (not T.A. McCormick) filed; mhm
03/02/05 Discovery conference cancelled due to case flow to be dropped off on 03/03/05;ddb
03-03-05 Civil case flow form #3 returned; mhm
03/03/05 Joint motion to amend discovery schedule filed by Atty S.C. Bennett; jcm
03/04/05 Order granting joint motion to amend discovery schedule, ready for trial 09/01/05, signed and filed herein; copies sent to counsel; Judge Norton; ddb
06/20/05 Letter from Atty Bennett advising court of his vacation schedule filed; pd
08/17/05 Jury Draw set for 10/25/05 & 10/26/05 at 09:00 - 04:30; Notice sent to counsel; Sys
08/24/05 Letter from Atty Bennett requesting that a pretrial conference be scheduled filed; pd
08/30/05 Pre-Trial Conference set for 09/23/05 at 10:30 - 11:00; Notice sent to counsel; Sys
09/06/05 Defendant's letter requesting to reschedule 9/23/05 pre-trial conference filed by Atty S.C. Bennett; jcm

pre-trial conference signed and filed herein;copies sent to
counsel;Judge Joseph;ddb
09/08/05 Pre-Trial Conference set for 09/20/05 at 03:30 -
04:00; Notice sent to counsel; Sys
09/20/05 Cause called for pre-trial conference; hearing
commenced and completed in court; Case needs 4 days for trial;
Pltf will have one expert and 2-4 witnesses. Def wil have one
expert and his client. Requests to charge due 10 days prior to
draw; Jury trial January 9 - 12, 2006; video # 1365; J. Joseph;
pd
09/28/05 Jury Trial set for 01/09/06 - 01/12/06 at 09:00 -
04:30; Notice sent to counsel; Sys
10/12/05 Stipulation regarding evidence filed by Atty McCormick;
jcm
10/14/05 Defendant's letter regarding stipulation filed by Atty
S.C. Bennett; jcm
10/14/05 Stipulation regarding evidence signed and filed here-
in; copies sent to counsel; J. Joseph; pd
10/17/05 Stipulated proposed requests to charge filed by Atty
Bennett; pd
10/18/05 Order granting stipulation regarding evidence signed
and filed herein; copies sent to counsel; Judge Joseph; jcm
10/19/05 Jury draw set for 10/25/05 and 10/26/05 will not take
place; Case has settled per Atty T. McCormick; stip of dismissal
to be filed; pd
10/19/05 Jury trial set for 01/09/06 - 01/12/06 will not take
place; Settled per T. McCormick; stip of dismissal to be filed;
pd
10/20/05 Computer diskette re def's proposed request to charge
filed by Atty Bennett's office; pd
10/25/05 Pltfs' proposed order of dismissal filed by Atty T.
McCormick; pd
11/14/05 Order of dismissal signed and filed herein; copies sent
to counsel; J. Cashman; pd

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