

**Commonwealth of Massachusetts  
BERKSHIRE SUPERIOR COURT  
Case Summary  
Civil Docket**

### Miletich ppa et al v Herr MD

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Details for Docket: BECV1998-00337

#### Case Information

<b>Docket Number:</b>	BECV1998-00337	<b>Caption:</b>	Miletich ppa et al v Herr MD
<b>Filing Date:</b>	09/11/1998	<b>Case Status:</b>	Disposed
<b>Status Date:</b>	04/11/2002	<b>Session:</b>	Civil A - CtRm 1
<b>Lead Case:</b>	NA	<b>Case Type:</b>	Most

#### Tracking Deadlines

<b>TRK:</b>	A	<b>Discovery:</b>	10/30/2000
<b>Service Date:</b>	12/10/1998	<b>Disposition:</b>	09/10/2001
<b>Rule 15:</b>	12/05/1999	<b>Rule 12/19/20:</b>	02/08/1999
<b>Final PTC:</b>	04/28/2001	<b>Rule 56:</b>	12/29/2000
<b>Answer Date:</b>	02/08/1999	<b>Jury Trial:</b>	YES

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<b>Lead Case:</b>	NA	<b>Case Type:</b>	Medical malpractice

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<b>Service Date:</b>	12/10/1998	<b>Disposition:</b>	09/10/2001
<b>Rule 15:</b>	12/05/1999	<b>Rule 12/19/20:</b>	02/08/1999
<b>Final PTC:</b>	04/28/2001	<b>Rule 56:</b>	12/29/2000
<b>Answer Date:</b>	02/08/1999	<b>Jury Trial:</b>	YES

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### Parties Involved

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3 Parties Involved in Docket: BECV1998-00337

<b>Party Involved:</b>		<b>Role:</b>	Defendant
<b>Last Name:</b>	Herr MD	<b>First Name:</b>	Bonnie
<b>Address:</b>		<b>Address:</b>	
<b>City:</b>		<b>State:</b>	
<b>Zip Code:</b>		<b>Zip Ext:</b>	
<b>Telephone:</b>			

<b>Party Involved:</b>		<b>Role:</b>	Plaintiff
<b>Last Name:</b>	Miletich Individually	<b>First Name:</b>	Tracy
<b>Address:</b>		<b>Address:</b>	
<b>City:</b>		<b>State:</b>	
<b>Zip Code:</b>		<b>Zip Ext:</b>	

**Telephone:****Party Involved:****Last Name:** Miletich ppa**Address:****City:****Zip Code:****Telephone:****Role:** Plaintiff**First Name:** Morgan**Address:****State:****Zip Ext:**

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**Attorneys Involved**

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4 Attorneys Involved for Docket: BECV1998-00337

**Attorney Involved:****Last Name:** Agostini  
**Address:** 66 West Street  
**City:** Pittsfield  
**Zip Code:** 01201  
**Telephone:** 413-443-4771  
**Fascimile:** 413-443-7694**Firm Name:** CAIN01  
**First Name:** John A  
**Address:** 3rd floor  
**State:** MA  
**Zip Ext:**  
**Tel Ext:**  
**Representing:** Herr MD, Bonnie (Defendant)**Attorney Involved:****Last Name:** Ryan  
**Address:** 1145 Main Street  
**City:** Springfield  
**Zip Code:** 01103  
**Telephone:** 413-785-5300  
**Fascimile:** 413-731-0626**Firm Name:** PELL01  
**First Name:** Phyllis P  
**Address:** PO Box 30009  
**State:** MA  
**Zip Ext:** 0009  
**Tel Ext:**  
**Representing:** Miletich ppa, Morgan (Plaintiff)**Attorney Involved:****Last Name:** McHugh  
**Address:** 1145 Main Street  
**City:** Springfield  
**Zip Code:** 01103  
**Telephone:** 413-785-5300  
**Fascimile:** 413-731-0626**Firm Name:** PELL01  
**First Name:** Patrick J  
**Address:** PO Box 30009  
**State:** MA  
**Zip Ext:** 0626  
**Tel Ext:**  
**Representing:** Miletich ppa, Morgan (Plaintiff)**Attorney Involved:****Last Name:** Ryan  
**Address:** 1145 Main Street  
**City:** Springfield  
**Zip Code:** 01103  
**Telephone:** 413-785-5300  
**Fascimile:** 413-731-0626**Firm Name:** PELL01  
**First Name:** Phyllis P  
**Address:** PO Box 30009  
**State:** MA  
**Zip Ext:** 0009  
**Tel Ext:**  
**Representing:** Miletich Individually, Tracy (Plaintiff)

## Calendar Events

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5 Calendar Events for Docket: BECV1998-00337

No.	Event Date:	Event Time:	Calendar Event:	SES:	Event Status:
1	04/30/2001	14:00	Conf: final pre-trial	A	Event not held-joint request
2	06/22/2001	14:00	Conf: final pre-trial	A	Event held as scheduled
3	04/01/2002	09:00	Conference: Trial Assignment	A	Event held as scheduled
4	04/03/2002	09:00	TRIAL: by jury	A	Trial begins
5	04/04/2002	09:00	TRIAL: by jury	A	Trial ends

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## Full Docket Entries

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82 Docket Entries for Docket: BECV1998-00337

Entry Date:	Paper No:	Docket Entry:
09/11/1998		Original: OR=1 TY=B06 TRK=A.
06/14/2000		Stat at cnvrnsn to cmputr 06/14/2000.
06/14/2000		(see docket book for previous docket entries).
02/07/2001		Notice sent to appear for pre-trial conference on Monday, April 30,
02/07/2001		2001
04/23/2001	10	Parties' Assented To Motion to Continue pre-trial conference from
04/23/2001	10	April 30, 2001 until June, 2001, filed.
04/24/2001		Motion (P#10) allowed (Ford, J). Notices mailed April 25, 2001
05/31/2001	11	Defendant Bonnie Herr, M.D.'s Motion for Inspection of Records, filed.
05/31/2001	12	Affidavit in Accordance with Rule 9A, filed.
06/01/2001		Notice sent to appear for pre-trial conference on Friday, June 22,
06/01/2001		2001 at 2:00 pm to counsel.
06/05/2001		Motion (P# 11) Defendant Bonnie Herr, M.D.'S Motion For Inspection Of
06/05/2001		Records. This motion does not state that it is unopposed (although
06/05/2001		the cover letter accompanying the motion so states) nor is there a
06/05/2001		Rule 9A certificate. I assume that the motion is unopposed, given the
06/05/2001		cover letter. The motion is herefore Allowed subject to plaintiffs'
06/05/2001		motion to reconsider if indeed there is opposition (T.A. Curley, J)
06/05/2001		Notices mailed June 6, 2001.
06/21/2001		Faxed Letter from Phyllis P. Ryan Esq requesting to reschedule
06/21/2001		pre-trial conference from Friday, June 22, 2001 at 2:00 pm per
06/21/2001		agreement of counsel, received.
06/28/2001		Letter from Phyllis P Ryan, Esq. confirming pre-trial conference has
06/28/2001		been continued to July 20, 2001 at 2:00 pm, received.
07/18/2001	13	Joint pre-trial memorandum filed
07/18/2001	14	Pre-trial order after conference, filed. Case to be placed on APRIL
07/18/2001	14	2002 civil trial list-FIRST CASE OUT (Curley, J). Certified copy to
07/18/2001	14	counsel.
03/06/2002	15	SCHEDULING ORDER, entered (Curley, J). Certified copy mailed to
03/06/2002	15	counsel on 3/6/2002.
03/25/2002	16	Atty Patrick J. McHugh notice of appearance for Morgan Miletich ppa
03/25/2002	16	Tracy Miletich and trcy Miletich, Individually
03/25/2002	17	Plaintiff Morgan Miletich ppa's MOTION in limine to Allow Plaintiff

03/25/2002	17	Morgan Miletich to Give Demonstrative Evidence During Testimony Of
03/25/2002	17	Mother Tracy Miletich
03/25/2002	18	Plaintiff Morgan Miletich ppa's MOTION in limine to To Exclude
03/25/2002	18	Evidence it is anticipated that the defendant will attempt to
03/25/2002	18	introduce evidence of Dr. James O'Leary's past treatment for
03/25/2002	18	alcoholism, his past difficulties with alcohol, and make awd hominem
03/25/2002	18	references to Dr. O'Leary's past consumption of alcohol.
03/25/2002	19	Plaintiff Morgan Miletich ppa's MOTION in limine to it is anticipated
03/25/2002	19	that the defendant will attempt to introduce evidence of Dr. James
03/25/2002	19	O'Leary's contract dispute at St. Luke's Hospital in Bethlehem,
03/25/2002	19	Pennsylvania as well as evidence of disputes which Dr. O'Leary may
03/25/2002	19	have had while employed at St. Luke's and toher hospials.
03/25/2002	20	Stipulation of dismissal without prejudice, without costs to Count II
03/25/2002	20	only.
04/01/2002		Plaintiff's motion in limine to allow plaintiff Morgan Miletich to
04/01/2002		give demonstrative evidence during testimony of mother Tracy Miletich
04/01/2002		withdrawn in open court.
04/01/2002		Plaintiff's motion in limine to exclude evidence of Dr. James
04/01/2002		O'Leary's past treatment for alcoholism-allowed, (Curley, J.).
04/01/2002		Plaintiff's motion in limine to exclude evidence of Dr. James
04/01/2002		O'Leary's conrct dispute at St. Luke's Hospital - ruled on as stated
04/01/2002		in open court, (Curley, J.).
04/01/2002		Voluntary stipulation fo dismissal as to Count II filed on 3/25/02
04/01/2002		allowed with prejudice, (Curley, J.).
04/01/2002	21	Defendant's opposition to plaintiff's motions in limine filed.
04/01/2002	22	Defendant's request for special voir dire question to the jury pool
04/01/2002	22	filed.
04/01/2002	23	Defendant's request for jury instructions filed.
04/01/2002	24	Witness list of plaintiff and defendant filed.
04/01/2002		Trial commenced before (Curley, J.). Court orders fourteen jurors
04/01/2002		impanelled.
04/01/2002	25	List of jurors filed. Jury of fourteen impanelled and sworn. Court
04/01/2002	25	apoints #6-7 Jonathan Gray foreman. pre charge given to jury-jury
04/01/2002	25	will be allowed to take notes.
04/02/2002		Trial continued before (Curley, J.).
04/02/2002	26	Plaintiff's request for jury instructions filed.
04/03/2002		Trial continued before (Curley, J.). Plaintff rests.
04/05/2002		Trial continued before (Curley,J.). (no trial on 4/4-no witnesses).
04/05/2002		Defendant rests.
04/05/2002	27	List of exhibits filed.
04/05/2002		Final arguments and judge's instructions to the jury held. all 14
04/05/2002		jurors to deliberate. Officer Patella and Hadley sworn with jury.
04/05/2002		Jury began deliberating 12:00 noon.
04/05/2002	28	Special jury verdict for the defendant returned, affirmed and filed.
04/05/2002	28	Juyr discharged 2:04 p.m.
04/11/2002	29	Judgment on jury verdict for the defendant entered (Curley, J.).
04/11/2002	29	Copies certified to counsel.
08/24/2005		Removal of Exhibits notices mailed on 8/24/2005.
09/27/2005		Exhibits destroyed on 9/27/2005.

