

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

Clark v Preterm Health Services Inc et al

Details for Docket: SUCV1994-02343

Case Information

Docket Number:	SUCV1994-02343	Caption:	Clark v Preterm Health Services Inc et al
Filing Date:	05/02/1994	Case Status:	Disposed: judgment after jury verdict
Status Date:	08/14/1998	Session:	Civil F, 3 Pemberton Sq, Boston
Lead Case:	NA	Case Type:	Most

Tracking Deadlines

TRK:	A	Discovery:	06/20/1996
Service Date:	07/31/1994	Disposition:	05/01/1997
Rule 15:	07/26/1995	Rule 12/19/20:	09/29/1994
Final PTC:	12/17/1996	Rule 56:	08/19/1996
Answer Date:	09/29/1994	Jury Trial:	YES

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Answer Date:	09/29/1994	Jury Trial:	YES

Parties Involved

3 Parties Involved in Docket: SUCV1994-02343

Party Involved:		Role:	Defendant
Last Name:	Foster, MD	First Name:	Jonathan
Address:		Address:	

City:
Zip Code:
Telephone:

State:
Zip Ext:

**Party
Involved:**

Role: Defendant

Last Name: Preterm Health Services Inc

First Name:

Address:

Address:

City:

State:

Zip Code:

Zip Ext:

Telephone:

**Party
Involved:**

Role: Plaintiff

Last Name: Clark

First Name: Deanna

Address:

Address:

City:

State:

Zip Code:

Zip Ext:

Telephone:

Attorneys Involved

4 Attorneys Involved for Docket: SUCV1994-02343

**Attorney
Involved:**

Firm Name: ANDE10

Last Name: Harvey

First Name: Alexandra B

Address: 75 Federal Street

Address: 10th Floor

City: Boston

State: MA

Zip Code: 02110

Zip Ext:

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Fascimile: 617-423-7152

Representing:

**Attorney
Involved:**

Firm Name: FICK01

Last Name: Perlo

First Name: Douglas N.

Address: 98 North Washington Street

Address: Suite 500

City: Boston

State: MA

Zip Code: 02114

Zip Ext: 1913

Telephone: 617-720-1515

Tel Ext:

Fascimile: 617-720-1519

Representing: Foster, MD, Jonathan (Defendant)

Attorney Involved:		Firm Name:	HASS04
Last Name:	Rainville	First Name:	Paul S.
Address:	446 Main Street	Address:	12th Floor
City:	Worcester	State:	MA
Zip Code:	01608	Zip Ext:	
Telephone:	508-791-6287	Tel Ext:	
Fascimile:	508-791-2652	Representing:	Clark, Deanna (Plaintiff)

Attorney Involved:		Firm Name:	BLOO07
Last Name:	Bloomenthal	First Name:	Leslie E
Address:	1501 Beacon Street	Address:	Apartment 1005
City:	Brookline	State:	MA
Zip Code:	02446	Zip Ext:	4605
Telephone:	617-523-5000	Tel Ext:	
Fascimile:	617-523-5540	Representing:	Clark, Deanna (Plaintiff)

Calendar Events

11 Calendar Events for Docket: SUCV1994-02343

No.	Event Date:	Event Time:	Calendar Event:	SES:	Event Status:
1	02/08/1995	11:00	Malpractice tribunal	NT	Event held as scheduled
2	05/17/1995	14:00	Conf: litigation contrl	F	Event held as scheduled
3	10/04/1995	09:00	Malpractice tribunal	F	Event held as scheduled
4	06/02/1997	14:00	Conf: final pre-trial	F	Event held as scheduled
5	10/06/1997	09:00	TRIAL: by jury	F	
6	11/24/1997	09:00	TRIAL: by jury	F	Event canceled not re-scheduled
7	01/20/1998	14:00	Motion/Hearing: Rule56	F	Event held as scheduled
8	05/04/1998	09:00	TRIAL: by jury	F	
9	06/23/1998	09:00	TRIAL: by jury	F	
10	08/10/1998	09:00	TRIAL: by jury	F	Event held as scheduled
11	08/17/1998	09:00	TRIAL: by jury	F	

Full Docket Entries

77 Docket Entries for Docket: SUCV1994-02343

Entry Date:	Paper No:	Docket Entry:
05/02/1994	1	Complaint & Jury demand (All Issues) filed MEDICAL PRACTICE
05/02/1994		Origin 1, Type B06, Track A.

05/02/1994	2	Civil action cover sheet re: complaint
05/18/1994	3	SERVIC RETRND: Preterm Health Services Inc (Defendant) By delivering
05/18/1994	3	in hand to Sandra Williams 5/13/94
06/03/1994	4	ANSWER: Preterm Health Services Inc (Defendant)
08/30/1994		Case status changed to "Needs review for answers" at service deadline
08/30/1994		review
09/12/1994	5	Application of Preterm Health Services Inc for Deanna Clark's
09/12/1994	5	hospital records from Beth Isreal Hospital
09/12/1994	6	ORDER for hospital records from Beth Isreal Hospital (P#5) (Harold
09/12/1994	6	Flannery, Justice)
11/01/1994		Case status changed to "Needs discovery" at answer deadline review
01/10/1995	7	Reqst for medical tribunal to MGL C231 section 60B by the def Preterm
01/10/1995	7	Health Services Inc
04/19/1995	8	Motion of plff to amend complaint by adding party deft (w/o
04/19/1995	8	opposition)
04/28/1995		Motion (P#8) allowed (Smith, Justice) Notice sent 5/1/95
04/28/1995	9	Amended complaint of Deanna Clark & Jury Demand (All Issues)
05/23/1995	10	Motion of plff for Order to compel production of documents by deft
05/23/1995	10	Preterm Health Services, Inc (with opposition)
05/25/1995		Motion (P#10) allowed (Richard J Chin, Justice) Notice sent 5/25/95
05/31/1995	11	Affidavit & return receipt in compliance with G L Chap 233, Sec79G
05/31/1995	11	re: Med Bills
05/31/1995	12	Summons returned re: deft Jonathan Foster, M D (Certified mail on
05/31/1995	12	5/26/95)
06/05/1995	13	ANSWER: Jonathan Foster, MD (Defendant) to the amended complaint &
06/05/1995	13	Jury Demand (All Issues)
07/07/1995	14	Reqst of plf, Deanna Clark for medical tribunal pursuant to MGL CH
07/07/1995	14	231 SEC 60B
08/17/1995	15	Motion of plff to compel production of documents by deft Preterm
08/17/1995	15	Health Services Inc (with opposition)
08/22/1995		Motion (P#15) denied (Charles F Barrett, Regional Administrative
08/22/1995		Justice) Notice sent 08/24/95
09/20/1995	16	Motion of plff for reconsideration of August 22, 1995 Order denying
09/20/1995	16	plff's motion to compel the production of documents by deft Preterm
09/20/1995	16	Health Services, Inc (w/o opposition)
09/26/1995		Motion (P#16) Denied (Barrett,J) Notice sent 9/26/95
10/04/1995	17	Finding of Medical Trivbunal for plff (Barrett,J) Notice Sent 10/4/95
10/13/1995	18	Application of Jonathan Foster, MD for Deanna Clark's hospital
10/13/1995	18	records from Soloman Carter Fuller Health Center
10/13/1995	19	ORDER for hospital records from Soloman Carter Fuller Health Center
10/13/1995	19	(P#18) (Charles F Barrett, Regional Administrative Justice)
11/02/1995	20	Emergency motion of plff for order to compel the deft Jonathan
11/02/1995	20	Foster, M D to appear for his deposition within fourteen days and for
11/02/1995	20	costs & fees incurred in filing this motion & Denied (Barrett,J)

11/28/1995	21	Motion of plff for Order to compel deft Jonathan Foster, MD to appear
11/28/1995	21	for his deposition within fourteen days (with opposition)
09/10/1997	22	Motion of deft Jonathan Foster, MD to continue trial to date certain
09/10/1997	22	& Assented to (w/o opposition)
09/24/1997		Motion (P#22) Allowed (Graham,J) Notice Sent 9/23/97
10/29/1997	23	Affidavit re medical bills in compliance with MGL Ch 233 Sec 79G &
10/29/1997	23	Return receipt returned
11/14/1997	24	Motion for partial summary judgment by deft Preterm Health Services,
11/14/1997	24	Inc (w/o opposition)
12/24/1997	25	Affidavit of plff Deanna Clark & return certified receipts notice of
12/24/1997	25	intention to offer into evidence statement of services
01/07/1998		Motion (P#24) allowed (Vieri Volterra, Justice)Partial Summary
01/07/1998		Judgment is to enter limiting the deft Preterm Health Services,Inc's
01/07/1998		liability to a maximum of \$20,000 see G.L. c231 s 85K Notice sent
01/07/1998		1/14/98
01/14/1998	26	JUDGMENT (SUMMARY)(PURSUANT TO MASS.R. CIV.P. 56) Partial Summary
01/14/1998	26	Judgment to enter limiting the deft Preterm Health Service Inc's
01/14/1998	26	liability to a maximum of \$20,000 See G.L. c231 s85K (refer to p#24)
01/14/1998	26	approved (Volterra,J) entered on docket pursuant to Mass.R.Civ.P.
01/14/1998	26	58(a)and notice sent to parties pursuant to Mass.R. Civ.P. 77(d)
06/23/1998	27	Stipulation of Dismissal (filed 06/22/98) as to plff vs deft Preterm
06/23/1998	27	Health Services Inc with prejudice and without costs JUDGMENT entered
06/23/1998	27	on docket pursuant to Mass R Civ P 58(a) as amended and notice sent
06/23/1998	27	to parties pursuant to Mass R Civ P 77(d)
07/20/1998	28	Affidavit in compliance with GL Chapter 233 sec 79G re: Itemized
07/20/1998	28	Medical Bills
08/12/1998	29	Special Questions to the Jury
08/14/1998	30	JUDGMENT ON JURY VERDICT FOR DEFT The complaint of plff is Dismissed
08/14/1998	30	as to deft Jonathan Foster, M.D. entered on docket pursuant to Mass.
08/14/1998	30	R. Civ.P. 58(a) And notice sent to parties pursuant to Mass. R. Civ.
08/14/1998	30	P 77(d) Roseman,J
