

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

Elias et al v Phillips RN et al

Details for Docket: SUCV2009-03477

Case Information

Docket Number:	SUCV2009-03477	Caption:	Elias et al v Phillips RN et al
Filing Date:	08/17/2009	Case Status:	Disposed: by Settlement
Status Date:	08/11/2014	Session:	Civil B, 3 Pemberton Sq, Boston
Lead Case:	NA	Case Type:	Most

Tracking Deadlines

TRK:	A	Discovery:	08/07/2011
Service Date:	11/15/2009	Disposition:	08/01/2012
Rule 15:	11/10/2010	Rule 12/19/20:	01/14/2010
Final PTC:	02/03/2012	Rule 56:	10/06/2011
Answer Date:	12/15/2009	Jury Trial:	NO

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Service Date:	11/15/2009	Disposition:	08/01/2012
Rule 15:	11/10/2010	Rule 12/19/20:	01/14/2010
Final PTC:	02/03/2012	Rule 56:	10/06/2011
Answer Date:	12/15/2009	Jury Trial:	NO

Parties Involved

6 Parties Involved in Docket: SUCV2009-03477

Party Involved:		Role:	Defendant
Last Name:	Cape MD	First Name:	Alison Douglas
Address:		Address:	
City:		State:	
Zip Code:		Zip Ext:	

Telephone:**Party
Involved:****Last Name:** Mark MD**Address:****City:****Zip Code:****Telephone:****Role:** Defendant**First Name:** Alice G**Address:****State:****Zip Ext:****Party
Involved:****Last Name:** Phillips RN**Address:****City:****Zip Code:****Telephone:****Role:** Defendant**First Name:** Michelle**Address:****State:****Zip Ext:****Party
Involved:****Last Name:** Elias**Address:****City:****Zip Code:****Telephone:****Role:** Plaintiff**First Name:** Jhad**Address:****State:****Zip Ext:****Party
Involved:****Last Name:** Elias**Address:****City:****Zip Code:****Telephone:****Role:** Plaintiff**First Name:** Rachel**Address:****State:****Zip Ext:****Party
Involved:****Last Name:** Elias**Address:****City:****Zip Code:****Telephone:****Role:** Plaintiff**First Name:** Trinity**Address:****State:****Zip Ext:**

Attorneys Involved

9 Attorneys Involved for Docket: SUCV2009-03477

Attorney Involved:		Firm Name:	GOGA01
Last Name:	O'Brien	First Name:	Colin K.
Address:	197 1st Avenue	Address:	Suite 330
City:	Needham	State:	MA
Zip Code:	02494	Zip Ext:	2878
Telephone:	781-433-9813	Tel Ext:	
Fascimile:	781-433-9818	Representing:	Phillips RN, Michelle (Defendant)

Attorney Involved:		Firm Name:	LUBI01
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Fascimile:	617-720-1229	Representing:	Elias, Trinity (Plaintiff)

Attorney Involved:		Firm Name:	GOGA01
Last Name:	Goganian	First Name:	Amy E
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Fascimile:	781-433-9818	Representing:	Cape MD, Alison Douglas (Defendant)

Attorney Involved:		Firm Name:	GOGA01
Last Name:	Goganian	First Name:	Amy E
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Telephone:	781-433-9812	Tel Ext:	
Fascimile:	781-433-9818	Representing:	Mark MD, Alice G (Defendant)

Attorney Involved:		Firm Name:	GOGA01
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Last Name: Goganian
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First Name: Amy E
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Tel Ext:
Representing: Phillips RN, Michelle (Defendant)

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Zip Code: 02494
Telephone: 781-433-9813
Fascimile: 781-433-9818

Firm Name: GOGA01
First Name: Colin K.
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State: MA
Zip Ext: 2878
Tel Ext:
Representing: Cape MD, Alison Douglas
(Defendant)

**Attorney
Involved:**

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City: Needham
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Fascimile: 781-433-9818

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State: MA
Zip Ext: 2878
Tel Ext:
Representing: Mark MD, Alice G (Defendant)

**Attorney
Involved:**

Last Name: Novotny
Address: 100 City Hall Plaza
City: Boston
Zip Code: 02108
Telephone: 617-720-4447
Fascimile: 617-720-1229

Firm Name: LUBI01
First Name: Benjamin R
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State: MA
Zip Ext:
Tel Ext:
Representing: Elias, Trinity (Plaintiff)

**Attorney
Involved:**

Last Name: Zahka
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City: Boston
Zip Code: 02108
Telephone: 617-720-4447

Firm Name: LUBI01
First Name: Karen A.
Address: 4th floor
State: MA
Zip Ext:
Tel Ext:

Fascimile: 617-720-1229**Representing:** Elias, Trinity (Plaintiff)

Calendar Events

21 Calendar Events for Docket: SUCV2009-03477

No.	Event Date:	Event Time:	Calendar Event:	SES:	Event Status:
1	03/08/2010	09:00	Malpractice tribunal	A	Event held as scheduled
2	12/12/2012	14:00	Conf: final pre-trial	B	Event not held-joint request
3	12/18/2012	14:00	Conf: final pre-trial	B	Event held as scheduled
4	01/07/2013	14:00	Conference: Trial Assignment	B	Event not held-joint request
5	09/03/2013	09:00	TRIAL: by jury	B	Event not held-req of Defendant
6	05/07/2014	14:00	Conference: Final Trial Conference	B	Event held as scheduled
7	05/08/2014	14:00	Conference: Final Trial Conference	A	Event held as scheduled
8	05/12/2014	09:00	TRIAL: by jury	A	Trial begins
9	05/12/2014	09:00	TRIAL: by jury	B	Event canceled not re-scheduled
10	05/13/2014	09:00	TRIAL: by jury	A	Event continues over Multiple Days
11	05/14/2014	09:00	TRIAL: by jury	A	Event continues over Multiple Days
12	05/15/2014	09:00	TRIAL: by jury	A	Event continues over Multiple Days
13	05/16/2014	09:00	TRIAL: by jury	A	Event continues over Multiple Days
14	05/19/2014	09:00	TRIAL: by jury	A	Event continues over Multiple Days
15	05/20/2014	09:00	TRIAL: by jury	A	Event continues over Multiple Days
16	05/21/2014	09:00	TRIAL: by jury	A	Event continues over Multiple Days
17	05/22/2014	09:00	TRIAL: by jury	A	Event continues over Multiple Days
18	05/23/2014	09:00	TRIAL: by jury	A	Event continues over Multiple Days
19	05/27/2014	09:00	TRIAL: by jury	A	Event continues over Multiple Days
20	05/28/2014	09:00	TRIAL: by jury	A	Event held as scheduled
21	06/26/2014	14:00	Conf: settlement	B	Event held as scheduled

Full Docket Entries

111 Docket Entries for Docket: SUCV2009-03477

Entry Date: **Paper No:** **Docket Entry:**

08/17/2009	1	Complaint
08/17/2009		Origin 1, Type B06, Track A.
08/17/2009	2	Civil action cover sheet filed (\$25,000.00)
11/03/2009	3	SERVICE RETURNED: Alison Douglas Cape MD(Defendant) (in hand on
11/03/2009	3	10/13/09)
11/03/2009	4	SERVICE RETURNED: Alice G Mark MD(Defendant) (in hand on 10/13/09)
11/10/2009	5	SERVICE RETURNED: Michelle Phillips RN(Defendant)(first class mail)
11/20/2009	6	ANSWER by Michelle Phillips RN to COMPLAINT (claim of trial by jury
11/20/2009	6	reqstd) (all issues)
11/20/2009	7	ANSWER by Alison Douglas Cape MD to COMPLAINT (claim of trial by jury
11/20/2009	7	reqstd) (all issues)
11/20/2009	8	ANSWER by Alice G Mark MD to COMPLAINT (claim of trial by jury
11/20/2009	8	reqstd) (all issues)
11/20/2009	9	Request for medical malpractice tribunal filed by Michelle Phillips
11/20/2009	9	RN, Alison Douglas Cape MD, Alice G Mark MD
12/18/2009	10	Defendants' MOTION to obtain medical records of Rachel Elias and
12/18/2009	10	Trinty Elias from Brigham and Women's Hospital (w/o opp)
12/28/2009		Motion (P#10) ALLOWED (Elizabeth M. Fahey, Justice) Notices mailed
12/28/2009		12/24/2009 (entered 12/27/09)
12/28/2009	11	ORDERd on application of defts to inspect Brigham & Women's Hospital
12/28/2009	11	medical records of plff Trinity Elias (Fahey,J) (entered 12/22/09)
12/28/2009	12	ORDER on application of defts to inspect Brigham & Women's Hospital
12/28/2009	12	medical records of plff Rachel Elias (Fahey,J) (entered 12/22/09)
03/03/2010	13	Offer of proof of plff
03/10/2010	14	Medical malpractice tribunal report: as to Trinity Elias et al v.
03/10/2010	14	Michelle Phillips RN that there is sufficient evidence to raise a
03/10/2010	14	legitimate question as to liability appropriate for judicial inquiry.
03/10/2010	14	(Paul Troy, Justice.) (entered 3/8/10)
03/10/2010	15	Medical malpractice tribunal report: as to Trinity Elias et al v.
03/10/2010	15	Alison Douglas Cape MD that there is sufficient evidence to raise a
03/10/2010	15	legitimate question as to liability appropriate for judicial inquiry.
03/10/2010	15	(Paul Troy, Justice.) Copies mailed 3/9/2010 (entered 3/8/10)
03/10/2010	16	Medical malpractice tribunal report: as to Trinity Elias et al v.
03/10/2010	16	Alice G. Mark MD that there is sufficient evidence to raise a
03/10/2010	16	legitimate question as to liability appropriate for judicial inquiry.
03/10/2010	16	(Paul Troy, Justice.) Copies mailed 3/9/2010 (entered 3/8/10)
08/16/2011	17	Defendants' Assented to MOTION to obtain certified medical records of
08/16/2011	17	Plaintiffs, Rachel Elias and Trinity Elias (w/o opposition)
08/19/2011		Motion (P#17) ALLOWED as assented to (see order) (Linda E. Giles,
08/19/2011		Justice) Notices mailed 8/18/2011
08/19/2011	18	ORDER for hospital records from Caritas Home Care (Linda E. Giles,
08/19/2011	18	Justice)
10/20/2011	19	Stipulation of Dismissal (filed 10/19/11) as to Counts V, VIII, XIV,
10/20/2011	19	XVII XXII and XXVI with prejudice and without costs JUDGMENT entered

10/20/2011	19	on docket pursuant to Mass R Civ P 58(a) as amended and notice sent
10/20/2011	19	to parties pursuant to Mass R Civ P 77(d)
12/07/2012	20	Parties' joint MOTION to continue Pretrial Conference filed & ALLOWED
12/07/2012	20	on 12/6/12. Counsel are to confer and agree on a date in Defcember
12/07/2012	20	prior to 12/21/12 (Elizabeth Fahey, Justice) notices mailed 12/6/12
12/19/2012	21	Joint pre-trial memorandum filed
06/12/2013	22	Defendants' MOTION to continue Trial, filed & ALLOWED on 6/11/13 for
06/12/2013	22	the reasons stated and assented to. The trial date is continued to
06/12/2013	22	5/12/14. (Linda Giles, Justice) notices mailed 6/12/13
05/06/2014	23	Plaintiffs' emergency MOTION to for Recusal of the Trial Judge
05/08/2014	24	Plaintiffs' MOTION in limine to preclude any evidence and/or
05/08/2014	24	reference to various irrelevant matters
05/08/2014	25	Request of plffs for jury instructions
05/08/2014	26	Court received Special questions to the jury
05/08/2014	27	Defendants' Michelle Phillips RN's MOTION for leave additional voir
05/08/2014	27	dire questions
05/08/2014	28	Court received Defts' witness list
05/08/2014	29	Defendants' MOTION in limine to exclude all testimony by plffs'
05/08/2014	29	proposed expert witness Howard Cohn MD about his alleged peer review
05/08/2014	29	activities
05/08/2014	30	Defts' MOTION in limine to exclude all evidence concerning
05/08/2014	30	performance of abortions and related services
05/08/2014	31	Defts' MOTION in limine to exclude all evidence of other lawsuits
05/08/2014	31	against them
05/08/2014	32	Defendants' MOTION in limine to exclude all reference in plffs'
05/08/2014	32	counsel's opening statement to spoliation of evidence and limiting
05/08/2014	32	questioning on the subject
05/08/2014	33	Defendants' MOTION in limine to bar all testimony by plffs proposed
05/08/2014	33	expert witnesses Carolyn Crawford MD and Howard Cohen MD concerning
05/08/2014	33	Trinity Elias' future employability
05/08/2014	34	Defendant Michelle Phillips RN's MOTION in limine to bar reference
05/08/2014	34	without prior permission to experts' malpractice insurer, or th
05/08/2014	34	payment of their fees in this case by an insurer, or to defts'
05/08/2014	34	insurance
05/23/2014		Motion (P#31) ALLOWED (Wilkins,J) Notices mailed 5/23/2014 (entered
05/23/2014		5/8/14)
05/23/2014		Motion (P#32) ALLOWED (Wilkins,J)) Notices mailed 5/23/2014 (entered
05/23/2014		5/8/14)
05/23/2014		Motion (P#24) ALLOWED (Linda E. Giles, Justice) Notices mailed
05/23/2014		5/23/2014 (entered 5/8/14)
05/23/2014		Motion (P#34) LLOWED (Wilkins,J)) Notices mailed 5/23/2014 (entered
05/23/2014		5/8/14)
05/23/2014		Motion (P#30) ALLOWED Wilkins,J) , Justice) Notices mailed 5/23/2014
05/23/2014		(entered 5/8/14)

05/28/2014	35	Defendants' MOTION for Directed Verdicts, filed & DENIED on 5/27/14
05/28/2014	35	(Douglas Wilkins, Justice) notices mailed 5/27/14
05/30/2014	36	Plaintiffs' Proposed Voir Dire (filed 5/8/14)
05/30/2014	37	Plaintiffs' Proposed Witness list (filed 5/8/14)
05/30/2014	38	Plaintiffs' MOTION in limine to preclude any evidence and/or
05/30/2014	38	reference to irrelevant and unrelated causes of abruption (filed
05/30/2014	38	5/21/14)
05/30/2014	39	Defendants' Proposed Verdict Slip (filed 5/22/14)
05/30/2014	40	Defendants' Proposed Jury instructions (filed 5/22/14)
05/30/2014	41	Plaintiffs' supplemental request for jury instruction (filed 5/23/14)
05/30/2014	42	Plaintiffs' MOTION in limine to preclude speculative causes of Rachel
05/30/2014	42	Elias' injuries (filed 5/23/14)
06/02/2014	43	FINDINGS OF "CAUSE" AND ORDER GRANTING LEAVE Pursuant to
06/02/2014	43	Mass.R.Proff.Resp.3.5(d) (see P#43 for order) (Wilkins, J.) (dated
06/02/2014	43	5/30/14) notice sent 6/2/14
06/26/2014	44	Motion of plff to Appoint co-Guardians ALLOWED (Giles J) Notice sent
06/26/2014	44	6/27/14
06/26/2014	45	Petition for Approval of Settlement for a minor (Giles J) Notice sent
06/26/2014	45	6/27/14
08/11/2014	46	Stipulation of Dismissal (filed 8/4/14) as to plffs vs defts with
08/11/2014	46	prejudice and without costs JUDGMENT entered on docket pursuant to
08/11/2014	46	Mass R Civ P 58(a) as amended and notice sent to parties pursuant to
08/11/2014	46	Mass R Civ P 77(d)
