

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

Morin (ppa) et al v Clark MD et al

Details for Docket: MICV1997-02291

Case Information

Docket Number:	MICV1997-02291	Caption:	Morin (ppa) et al v Clark MD et al
Filing Date:	05/02/1997	Case Status:	
Status Date:	08/25/1999	Session:	
Lead Case:	NA	Case Type:	

Tracking Deadlines

TRK:	A	Discovery:	06/21/1999
Service Date:	07/31/1997	Disposition:	05/01/2000
Rule 15:	07/26/1998	Rule 12/19/20:	09/29/1997
Final PTC:	12/18/1999	Rule 56:	08/20/1999
Answer Date:	09/29/1997	Jury Trial:	YES

Parties Involved

8 Parties Involved in Docket: MICV1997-02291

Party Involved:		Role:	Defendant
Last Name:	Clark MD	First Name:	Molly E
Address:		Address:	
City:		State:	
Zip Code:		Zip Ext:	
Telephone:			

Party Involved:		Role:	Defendant
Last Name:	Just CNM	First Name:	Christine
Address:		Address:	
City:		State:	
Zip Code:		Zip Ext:	
Telephone:			

Role:	Defendant
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Party**Involved:****Last Name:** Women's Hlth Assoc Inc**Address:****City:****Zip Code:****Telephone:****First Name:****Address:****State:****Zip Ext:****Party****Involved:****Last Name:** Watson**Address:** 3 Granite Street**City:** West Cambridge**Zip Code:** 02139**Telephone:****Role:** Malprac trib attorney**First Name:** Charles**Address:****State:** MA**Zip Ext:****Party****Involved:****Last Name:** Rothchild**Address:** 400 West Cumming Park**City:** Woburn**Zip Code:** 01801**Telephone:****Role:** Malprac trib physician**First Name:** Suzanne**Address:** Suite 4950**State:** MA**Zip Ext:****Party****Involved:****Last Name:** Morin**Address:****City:****Zip Code:****Telephone:****Role:** Plaintiff**First Name:** Jeffrey**Address:****State:****Zip Ext:****Party****Involved:****Last Name:** Morin (Indiv & Mother)**Address:****City:****Zip Code:****Telephone:****Role:** Plaintiff**First Name:** Kristen**Address:****State:****Zip Ext:****Party****Involved:****Last Name:** Morin (ppa)**Role:** Plaintiff**First Name:** Kyle

Address:
City:
Zip Code:
Telephone:

Address:
State:
Zip Ext:

Attorneys Involved

6 Attorneys Involved for Docket: MICV1997-02291

Attorney Involved:

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Fascimile: 617-204-6204

Firm Name:

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Representing:

Attorney Involved:

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Firm Name:

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Firm Name:

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Representing: Clark MD, Molly E (Defendant)

Attorney Involved:

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Zip Code: 02114

Firm Name:

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State: MA
Zip Ext:

Telephone:	617-720-1515	Tel Ext:	27
Fascimile:	617-720-1519	Representing:	
Attorney Involved:		Firm Name:	LUBI01
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City:	Boston	State:	MA
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Fascimile:	617-720-1229	Representing:	Morin (ppa), Kyle (Plaintiff)
Attorney Involved:		Firm Name:	FICK01
Last Name:	Watson	First Name:	Nancy L.
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City:	Boston	State:	MA
Zip Code:	02114	Zip Ext:	
Telephone:	617-720-1515	Tel Ext:	27
Fascimile:	617-720-1519	Representing:	Just CNM, Christine (Defendant)

Calendar Events

3 Calendar Events for Docket: MICV1997-02291

No.	Event Date:	Event Time:	Calendar Event:	SES:	Event Status:
1	02/25/1998	09:00	Malpractice tribunal	B	Event held as scheduled
2	02/25/1998	09:00	Malpractice tribunal	D	
3	07/16/1999	09:00	Motion/Hearing: miscellaneous	J	Event held as scheduled

Full Docket Entries

144 Docket Entries for Docket: MICV1997-02291

Entry Date:	Paper No:	Docket Entry:
05/02/1997	1	Complaint & civil action cover sheet filed
05/02/1997		Origin 1, Type B06, Track A.
06/17/1997	2	ANSWER: Christine Just CNM (Defendant)
06/17/1997		ANSWER: Women's Hlth Assoc Inc (Defendant)
06/20/1997	3	Request for medical for medical malpractice tribunal filed by Molly E
06/20/1997	3	Clark MD
07/03/1997	4	ANSWER: Molly E Clark MD (Defendant)

07/17/1997	5	SERVIC RETRND (summons): Molly E Clark MD 5-29-97 in hd 2364
07/17/1997	5	Washington St., Newton
07/17/1997	6	SERVIC RETRND (summons): Christine Just CNM 5-27-97 in hd 173
07/17/1997	6	Worcester St., Welleseley
07/17/1997	7	SERVIC RETRND (summons): Women's Hlth Assoc Inc 7-2-97 in hd 54
07/17/1997	7	Commonwelath Ave, Boston
11/13/1997	8	Motion of deft Molly E Clark MD for protective order, plffs'
11/13/1997	8	opposition, affidavit of compliance rule 9A
11/24/1997		Re: (P#8) - The motion for protective order to stay the deposition of
11/24/1997		Dr Clark is allowed for three months or until after the malpractice
11/24/1997		tribunal, whichever occurs earlier (Botsford, J.) notices sent
11/24/1997		11/25/97
01/20/1998	9	Plffs' Motion to quash deft's notice of taking KOR deposition of
01/20/1998	9	Eugenia Marcus, M.D., Molly E Clark MD's opposition
01/20/1998	10	Plffs' Motion to quash deft's notice of taking KOR deposition of
01/20/1998	10	Brigham & Womens's Hospital, deft Molly E Clark MD's opposition
01/20/1998	11	Plffs' Motion to quash deft's notice of taking KOR deposition of
01/20/1998	11	Children's Hospital, deft Molly E Clark MD's opposition
01/21/1998	12	ORDER for medical malpractice tribunal
01/23/1998		Motion #9 of Plffs To Quash Deft's Notice of Taking Keeper of Records
01/23/1998		Deposition Of Eugenia Marcus, M.D., is: DENIED. Moreover, it is
01/23/1998		ORDERED that plff forthwith provide defts with copies of all medical
01/23/1998		records plff's have obtained through discovery to date upon payment
01/23/1998		by defts of reasonable copying charges. (McHugh, J.) notices sent
01/23/1998		1/23/98
01/23/1998		Motion #10 of Plffs To Quash Deft's Notice of Taking Keeper of
01/23/1998		Records Deposition Of Brigham and Women's Hospital, is: DENIED. See
01/23/1998		endorsement on Paper #9. (McHugh, J.) notices sent 1/23/98
01/23/1998		Motion #11 of Plffs To Quash Deft's Notice of Taking Keeper Of
01/23/1998		Records Deposition Of Children's Hospital, is: DENIED. See
01/23/1998		endorsement on Paper #9. (McHugh, J.) notices sent 1/23/98
02/10/1998	13	ORDER for medical malpractice tribunal
02/25/1998	14	Offer of proof of Plffs, filed
02/25/1998	15	Medical malpractice tribunal report: RE: Molly E. Clark, M.D.: The
02/25/1998	15	Tribunal upon its consideration determine that there is sufficient
02/25/1998	15	evidence to raise a legitimate question of liability appropriate for
02/25/1998	15	judicial inquiry. (White, J.) notices sent 2/25/98
02/25/1998	16	Medical malpractice tribunal report: RE: Christine Just, C.N.M.: The
02/25/1998	16	Tribunal upon its consideration determine that there is sufficient
02/25/1998	16	evidence to raise a legitimate question of liability appropriate for
02/25/1998	16	judicial inquiry. (White, J.) notices sent 2/25/98
02/25/1998	17	Medical malpractice tribunal report: RE: Women's Health Associates,
02/25/1998	17	Inc.: The Tribunal upon its consideration determine that there is
02/25/1998	17	sufficient evidence to raise a legitimate question of liability

02/25/1998	17	appropriate for judicial inquiry. (White, J.) notices sent 2/25/98
02/25/1998		Notice sent to board of registration in medicine
09/02/1998	18	Plffs' motion for letter rogatory, re: Leslie Dean, with affidavit of
09/02/1998	18	compliance to 9a
09/04/1998		Motion #18 of Plffs For Letter Rogatory, is: No opposition having
09/04/1998		been filed pursuant to Rule 9A, Motion ALLOWED. (Gershengorn, J.)
09/04/1998		notices sent 9/8/98
09/08/1998		ORDER OF ISSUANCE OF LETTERS ROGATORY: This matter comes before the
09/08/1998		Court on motion of the plffs for issuance of Letters Rogatory,
09/08/1998		pursuant to M.G.L. c. 223A sec. 10, for the taking of the deposition
09/08/1998		of Leslie Dean, Marina Lake Drive, Richmond, CA 94804. ORDERED that
09/08/1998		the plffs' motion for issuance of Letters Rogatory be allowed and is
09/08/1998		hereby granted; and it is further ORDERED that any appropriate
09/08/1998		authority of California is authorized to issue a deposition subpoena
09/08/1998		required to compel the attendance of the witness for the taking of
09/08/1998		said deposition on Sept. 23, 1998 at 10:00 a.m. (Gershengorn, J.)
09/08/1998		dated 4 Sept. 1998 entered on docket and copies mailed 8 Sept. 1998
09/08/1998		copy attached to Paper #18
11/24/1998	19	Plff's motion for leave to file in excess of thirty intgs to the deft
11/24/1998	19	Molly E Clark MD, and Molly E Clark MD's opposition
12/01/1998		Motion #19 of Plffs For Leave To File In Excess Of Thirty Intgs To
12/01/1998		The Deft, Molly Clark, M.D., is: After consideration, ALLOWED. (Neel,
12/01/1998		J.) notices sent 12/2/98
12/08/1998	20	Deft Women's Hlth Assoc Inc's Motion for order compelling plffs to
12/08/1998	20	provide deft's first request for production of documents & request
12/08/1998	20	for hearing, memo in support of, affidavit of compliance rule 9A,
12/08/1998	20	certificate of rule 9C
12/10/1998		Motion #20 Of Deft Women's Health Associates, Inc., For Order
12/10/1998		Compelling Plffs To Provide Deft's First Request For Production Of
12/10/1998		Documents, is: After review and without opposition, motion ALLOWED.
12/10/1998		Documents to be produced within 30 days. (Neel, J.) notices sent
12/10/1998		12/10/98
12/10/1998	21	Plaintiffs' emergency motion to Defendant's Women's Health
12/10/1998	21	Associates, Inc.,'s Motion to compel documents late and affidavit of
12/10/1998	21	noncompliance with M.R.C.P. 9A
12/11/1998	22	Plffs' emergency motion to deft's Women's Hlth Assoc Inc's motion to
12/11/1998	22	compel documents late
12/24/1998	23	Motion of the Defendant Molly Clark, M.D. to compel further answers
12/24/1998	23	to interrogatories of the plaintiffs, affidavit of compliance with
12/24/1998	23	Superior Court Rule 9A
12/29/1998		Motion #23 Of Deft Molly Clark, M.D. To Compel Further Answers To
12/29/1998		Intgs Of The Plffs, is: DENIED without prejudice. See Sup. Ct. Rule
12/29/1998		9C. (Gershengorn, J.) notices sent 12/30/98
01/08/1999		EMERGENCY Motion (P#21) Of Plffs To Deft's, Women's Health

01/08/1999 Associates, Inc., Motion to Compel Documents Late: After review of
01/08/1999 the materials submitted by both sides, the Motion is ALLOWED; Plffs'
01/08/1999 opposition shall be filed and served not later than 1/13/99; and the
01/08/1999 Order of 12/10/98 (docket No. 20) is VACATED. The motion shall be
01/08/1999 reconsidered, upon filing of the opposition, by the "C" Session.
01/08/1999 (Neel, J.) notices sent 1/8/99

01/20/1999 24 Deft Molly E Clark MD's motion to compel further answers to intgs of
01/20/1999 24 the plffs (copy), plffs' opposition and affidavit of compliance to 9a
01/27/1999 25 MEMORANDUM & ORDER ON DEFTS' MOTION FOR FURTHER ANSWERS TO INTGS
01/27/1999 25 (Paper No. 24): After reviewing the motion to compel answers to intgs
01/27/1999 25 and the opposition thereto, it is hereby ORDERED as follows: 1. The
01/27/1999 25 objections to the intgs, with the exception of the objections to
01/27/1999 25 intgy 14, are groundless and are stricken. 2. It is appropriate to
01/27/1999 25 incorporate by reference other documents in an intgy answer but, in
01/27/1999 25 doing so, the answering party must set out with precision what it is
01/27/1999 25 that he or she is incorporating. A simple statement that the answer
01/27/1999 25 can be found in medical records previously provided, or some other
01/27/1999 25 statement along those lines, does not tell the recipient what medical
01/27/1999 25 records the answering party believes have been provided and are in
01/27/1999 25 the recipient's possession nor does it state which records from among
01/27/1999 25 those that have been provided in fact contain the answer to the
01/27/1999 25 question asked. Although Mass. R. Civ. P. 33(c) is not directly
01/27/1999 25 applicable here, the final sentence of that Rule dealing with
01/27/1999 25 specificity provides appropriate guidance. Therefore the answers to
01/27/1999 25 Intgs 4, 5 and 9 are stricken and new answers shall be provided no
01/27/1999 25 later than Feb 26, 1999. 3. The privilege claim asserted with respect
01/27/1999 25 to intgy 14 is, on the present record, more difficult to resolve
01/27/1999 25 because neither party has elected to provide the court with the
01/27/1999 25 answer to Intgy 13 which the answer to Intgy 14 incorporates.
01/27/1999 25 Nevertheless, on this record, the plff shall not be required to
01/27/1999 25 provide the deft with any document or information that is privileged
01/27/1999 25 under G.L. c. 233, Section 20B but, at the trial of this action, plff
01/27/1999 25 shall be precluded from calling any expert witness to testify about
01/27/1999 25 the emotional component of any damage to Kristin or Jeffrey Morin and
01/27/1999 25 shall be precluded from introducing any evidence of emotional damage
01/27/1999 25 that requires a foundation in expert testimony. (McHugh, J.) copies
01/27/1999 25 mailed this day 27 Jan 1999

07/08/1999 26 JOINT Motion for approval of settlement on behalf of a minor
07/08/1999 27 Plffs' ASSENTED to Motion for appointment of co-guardians of minor
07/08/1999 27 plff Kyle Morin

07/16/1999 Paper #26 - Joint Petition For Approval Of Settlement On Behalf Of A
07/16/1999 Minor - is: I find that the settlement is meritorious, and that
07/16/1999 adequate provision is made for the settlement sum. ALLOWED. (Neel,
07/16/1999 J.)

07/16/1999		Assented To Motion #27 For Appointment Of Co-Guardians (Kristen Morin
07/16/1999		and Jeffery Morin), Of Moinor Plff, Kyle Morin, is: ALLOWED. (Neel,
07/16/1999		J.)
08/25/1999	28	STIPULATION OF DISMISSAL as to all claims/causes of action, with
08/25/1999	28	prejudice, without costs and waiving all rights of appeal
