

Notity

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Commonwealth of Massachusetts
County of Suffolk
The Superior Court

SUCV15-3356

Eava Vasquez et al

vs

Katherine Pocius MD

FINDING OF THE MEDICAL MALPRACTICE TRIBUNAL

(Pursuant to M.G.L. Chapter 231, Section 60(b) as amended)

The above entitled action came on for hearing before the appointed medical tribunal on **May 5, 2017**, and was argued by counsel, and thereupon, upon consideration thereof, the plaintiff (s) offer of proof, pleadings, hospital records and other documents presented, the tribunal finds:

*(1) For the plaintiff _____ and that the evidence presented if properly substantiated is sufficient to raise a legitimate question of liability appropriate for judicial inquiry.

*(2) For defendant Katherine Pocius MD because the plaintiff(s) action is merely an unfortunate medical result.

the ev. presented as to this defendant is insufficient to raise a legitimate question of liability appropriate for judicial inquiry

If a finding is made for the defendant or defendants in the above entitled action **the plaintiff may pursue the claim through the usual judicial process only upon filing bond in the amount of Six Thousand (\$6,000.00) Dollars in the aggregate** secured by cash or its equivalent with the Clerk/Magistrate of this court, payable to the defendant or defendants in said action for costs assessed, including witness and expert fees and attorney fees if the plaintiff(s) does/do not prevail in the final judgment. The presiding justice may, within his/her discretion, increase the amount of the bond required to be filed. **If said bond is not posted within thirty (30) days of the tribunal's finding the action shall be dismissed.** Upon motion filed by the plaintiff(s), and a determination by the court that the plaintiff(s) is/are indigent said justice may reduce the amount of the bond but may not eliminate the requirement thereof.

Dated: **May 5, 2017**

Justice of the Superior Court

Karen Green
Karen Green, Associate Justice
Associate Justice of the Superior Court

Legal Member:

Karen Wier
Karen Wier Esq.
Attorney-Tribunal Member

Medical Member:

Dr Patricia Falcao
Dr Patricia Falcao-Blumenfeld MD, MPH,
Physician-Tribunal Member

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