

**CIVIL ACTION  
COVER SHEET**

DOCKET NO.(S)

09-1808-A

**Trial Court of Massachusetts  
Superior Court Department**



County: \_\_\_\_\_

**PLAINTIFF(S)**

Kimberly Norton & Edward Norton

**DEFENDANT(S)**

Steven J. Ralston, M.D. and  
Jane Doe, R.N.

ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE Kevin Donius  
424 Adams St., Milton, MA 02186

ATTORNEY (if known)

Board of Bar Overseers number: 551298

**Origin code and track designation**

Place an x in one box only:

- ☒ 1. F01 Original Complaint  
☐ 2. F02 Removal to Sup.Ct. C.231,s.104  
(Before trial) (F)  
☐ 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X)

- ☐ 4. F04 District Court Appeal c.231, s. 97 & 104 (After  
trial) (X)  
☐ 5. F05 Reactivated after rescript; relief from  
judgment/Order (Mass.R.Civ.P. 60) (X)  
☐ 6. E10 Summary Process Appeal (X)

**TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)**

CODE NO.	TYPE OF ACTION (specify)	TRACK	IS THIS A JURY CASE?
B06	Med Mal	( A )	( X ) Yes ( ) No

**The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.**

**TORT CLAIMS**

(Attach additional sheets as necessary)

- A. Documented medical expenses to date:
- |                                    |            |
|------------------------------------|------------|
| 1. Total hospital expenses         | \$ 15,000* |
| 2. Total Doctor expenses           | \$         |
| 3. Total chiropractic expenses     | \$         |
| 4. Total physical therapy expenses | \$         |
| 5. Total other expenses (describe) | \$         |
| <b>Subtotal</b>                    | <b>\$</b>  |
- B. Documented lost wages and compensation to date \$ 5,000\*
- C. Documented property damages to date \$
- D. Reasonably anticipated future medical and hospital expenses \$ 5,000\*
- E. Reasonably anticipated lost wages \$ 10,000\*
- F. Other documented items of damages (describe) \$
- G. Brief description of plaintiff's injury, including nature and extent of injury (describe)
- Failure to properly treat elevated blood pressure  
in pregnant woman results in stroke.
- \*Estimates TOTAL \$ 35,000.....

**CONTRACT CLAIMS**

(Attach additional sheets as necessary)

Provide a detailed description of claim(s):

TOTAL \$.....

PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT

**"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."**

Signature of Attorney of Record

DATE: 4/30/09

Commonwealth of Massachusetts

County of Suffolk  
The Superior Court

CIVIL DOCKET# SUCV2009-01808

Kimberly Norton,  
Edward Norton,

Plaintiff(s)

vs

Steven J Ralston MD,  
Jane Doe RN,

Defendant(s)

**JUDGMENT**

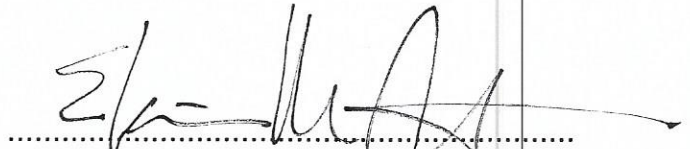
(Pursuant to G.L. c 231, Section 60B)

This action came on before the Court, Paul E. Troy, Justice, presiding, the plaintiffs, having failed to file a Bond under G.L. c. 231, Section 60B, and upon consideration thereof,

It is **ORDERED** and **ADJUDGED**:

That the Complaint of the Plaintiff, Kimberly Norton and Edward Norton, as to defendants, Steven J Ralston, MD, and Jane Doe RN.

Dated at Boston, Massachusetts this 11th day of February, 2010.

  
.....  
Assistant Clerk

cvdjudgmedmalbond\_1.wpd 3529424 inidoc01 quinnela

JUDGMENT ENTERED ON DOCKET 2/17 2010  
PURSUANT TO THE PROVISIONS OF MASS. R. CIV. P. 60(d)  
AND NOTICE SENT TO PARTIES PURSUANT TO THE PRO  
VISIONS OF MASS. R. CIV. P. 77(d) AS FOLLOWS

NOTICE SENT  
2/17/10  
K.D.  
WJD  
NJT



Commonwealth of Massachusetts  
County of Suffolk  
The Superior Court

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NOTIFY

CIVIL DOCKET# SUCV2009-01808

Kimberly Norton, et al

vs.

Jane Doe RN

**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 **11/30/2009**, 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(s) \_\_\_\_\_ and that the evidence presented if properly substantiated is sufficient to raise a legitimate question of liability appropriate for judicial inquiry.

\*(2) For defendant(s) Jane Doe RN because the plaintiff(s) \_\_\_\_\_ action is merely an unfortunate medical result.

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 attorneys 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: 11/30/2009

Justice of the Superior Court

Legal Member:

Medical Member:

\*strike inapplicable words

cm

NOTICE SET  
12-01-09  
K.D.  
S. & W.  
W.J.D. III  
D.J.T.  
B. & F. M.

Elm Bailey Jsc 11/30/09  
Associate Justice of the Superior Court Dept.

Sharon Bryan DeGuglielmo  
Attorney - Tribunal Member

PR Deed in FALCRO, MD Nov 30, 09

\*Physician - Tribunal Member

\*Health Care Provider - Tribunal Member

Commonwealth of Massachusetts  
County of Suffolk  
The Superior Court

6

CIVIL DOCKET# SUCV2009-01808

Kimberly Norton, et al

vs.

Steven J Ralston 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 **11/30/2009**, 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(s) \_\_\_\_\_ and that the evidence presented if properly substantiated is sufficient to raise a legitimate question of liability appropriate for judicial inquiry.

\* (2) For defendant(s) Steven Ralston MD because the plaintiff(s) \_\_\_\_\_ action is merely an unfortunate medical result.

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 attorneys 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.

NOTICE SENT  
12-01-09  
K.D.

Dated: 11/30/2009

Justice of the Superior Court

S. & W.  
W. J. D. III  
N. J. T.  
B. OF M.

Legal Member:

(141)

Emmeline J. Sc  
Associate Justice of the Superior Court Dept.

Medical Member:

Sharon Byrne DeGuglielmo  
Attorney - Tribunal Member

Dr. David F. Alcaro, MD Nov 30, 09

\*Physician - Tribunal Member

\*Health Care Provider - Tribunal Member

\*strike inapplicable words

cm



SLOANE AND WALSH

A PROFESSIONAL LIMITED LIABILITY PARTNERSHIP

WILLIAM J. DAILEY, JR.  
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ROBERT H. GAYNOR  
EDWARD T. HINCHEY  
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BRIAN H. SULLIVAN

ATTORNEYS AT LAW

THREE CENTER PLAZA

BOSTON, MASSACHUSETTS 02108

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WRITER'S DIRECT E-MAIL ADDRESS: WDAILEY3@SLOANEWALSH.COM

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MATTHEW D. RUSH  
GAIL M. RYAN  
NICHOLAS W. SCHIEFFELIN  
TIMOTHY B. SWEETLAND  
NICOLE J. TODESCO

January 27, 2010

Civil Clerk's Office  
SUFFOLK SUPERIOR COURT  
Three Pemberton Square  
Boston, MA 02108

RE: Kimberly Norton, et al. v. Steven J. Ralston, M.D., et al.  
Suffolk Superior Court Civil Action No.: SUCV2009-01808-A  
Our File No.: NE-362-3489

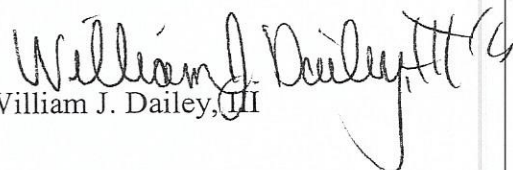
Dear Sir/Madam:

Pursuant to Superior Court Rule 9A, enclosed for filing please find the following:

1. Motion of the Defendants, Steven J. Ralston, M.D. and Jane Doe, R.N.' to Dismiss Plaintiffs' Complaint and for Entry of Final Judgment for Plaintiffs' Failure to post a Bond (Pursuant to M.G.L. c.231, §60B);
2. Affidavit of Compliance With Superior Court Rule 9A;
3. List of Documents Filed; and
4. Certificate of Service.

Thank you for your attention to this matter.

Very truly yours,

  
William J. Dailey, III

Enc.

WJDIII:cb

cc: Kevin Donius, Esq.

MASSACHUSETTS

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT

Civil Action No.: SUCV2009-01808-A

KIMBERLY NORTON and )  
EDWARD NORTON, )  
Plaintiffs )  
v. )  
STEVEN J. RALSTON, M.D. and )  
JANE DOE, R.N., )  
Defendants )

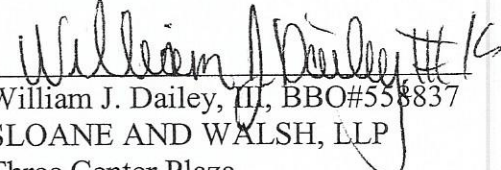
CERTIFICATE OF SERVICE

I, William J. Dailey, III, Esq., hereby certify that on January 27, 2010, I served a true copy of the following documents:

1. Motion of the Defendants, Steven J. Ralston, M.D. and Jane Doe, R.N.' to Dismiss Plaintiffs' Complaint and for Entry of Final Judgment for Plaintiffs' Failure to post a Bond (Pursuant to M.G.L. c.231, §60B);
2. Affidavit of Compliance With Superior Court Rule 9A; and
3. List of Documents Filed,

upon the following parties of record, by first class mail, postage prepaid, to:

Kevin Donius, Esq.  
LAW OFFICES OF  
KEVIN DONIUS, P.C.  
424 Adams Street, Suite 100  
Milton, MA 02186

  
William J. Dailey, III, BBO#558837  
SLOANE AND WALSH, LLP  
Three Center Plaza  
Boston, MA 02108  
(617) 523-6010  
[wdailey3@sloanewalsh.com](mailto:wdailey3@sloanewalsh.com)

MAINTENANCE

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT

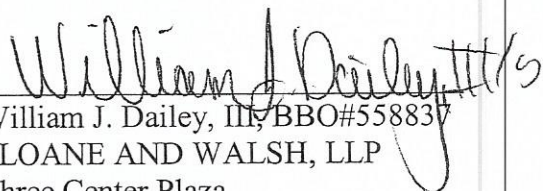
Civil Action No.: SUCV2009-01808-A

KIMBERLY NORTON and )  
EDWARD NORTON, )  
Plaintiffs )  
v. )  
STEVEN J. RALSTON, M.D. and )  
JANE DOE, R.N., )  
Defendants )

**LIST OF DOCUMENTS FILED**

1. Motion of the Defendants, Steven J. Ralston, M.D. and Jane Doe, R.N.' to Dismiss Plaintiffs' Complaint and for Entry of Final Judgment for Plaintiffs' Failure to post a Bond (Pursuant to M.G.L. c.231, §60B);
2. Affidavit of Compliance With Superior Court Rule 9A;
3. List of Documents Filed; and
4. Certificate of Service.

Respectfully Submitted,  
STEVEN J. RALSTON, M.D., and  
JANE DOE, R.N.,  
The Defendants, By Their Attorney,

  
William J. Dailey, III, BBO#558837  
SLOANE AND WALSH, LLP  
Three Center Plaza  
Boston, MA 02108  
(617) 523-6010  
[wdailey3@sloanewalsh.com](mailto:wdailey3@sloanewalsh.com)

Date: 1-27-10



Commonwealth of Massachusetts  
County of Suffolk  
The Superior Court

CIVIL DOCKET# SUCV2009-01808

Oct 21, 2009 A  
NE-362-344  
①  
3489

RE: Norton et al v Ralston MD et al

TO: William J Dailey III, Esquire  
Sloane & Walsh  
3 Center Plaza  
Boston, MA 02108

**ORDER FOR MEDICAL MALPRACTICE TRIBUNAL**

Pursuant to General Laws Chapter 231, as amended by Chapter 362 of the Act of 1975, a MEDICAL MALPRACTICE TRIBUNAL will be convened in the Superior Court for Suffolk County

ON: 11/30/2009  
AT: 09:00 AM  
IN: CtRm 306, 3 Pemberton Square, Boston

to conduct a hearing and make appropriate findings as called for by law. The tribunal will consist of the following members:

JUDGE: Elizabeth M. Fahey, Justice  
MEDICAL MEMBER: Patricia Falcao, M.D. 19 Pine Street, Needham, Mass. 02492  
LEGAL MEMBER: Sharon Bryce DeGuglielmo, Esquire 25 La Blanc Drive, Peabody, Mass. 01960

**Plaintiff MUST send copies of plaintiff's offer of proof at least five days before the date of the tribunal to the Court, and the medical and legal members of the tribunal and the other parties or counsel when they are represented.** Also one copy of plaintiff's offer of proof must be sent to the Mass. Board of Registration in Medicine, 200 Harvard Mill Square, Suite 330, Wakefield, MA 01880.

Dated: 10/19/2009

Michael Joseph Donovan,  
Clerk of Courts

Telephone: Phyllis (617) 788-7720 \*Judge's offer of Proof to be sent to Room 1216 -  
Three Pemberton Square, Boston, MA 02108 received by 11/23/09



COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT

Civil Action No.: SUCV2009-01808-A

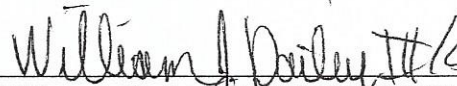
KIMBERLY NORTON and )  
EDWARD NORTON, )  
Plaintiffs )  
v. )  
STEVEN J. RALSTON, M.D. and )  
JANE DOE, R.N., )  
Defendants )

**AFFIDAVIT OF COMPLIANCE WITH SUPERIOR COURT RULE 9A**

I, William J. Dailey, III, Esq. do depose and state as follows:

1. I am attorney of record for the defendants, Steven J. Ralston, M.D. and Jane Doe, R.N., in the above-entitled matter.
2. On January 12, 2010 I served a true copy of Motion of the Defendants, Steven J. Ralston, M.D. and Jane Doe, R.N.' to Dismiss Plaintiffs' Complaint and for Entry of Final Judgment for Plaintiffs' Failure to post a Bond (Pursuant to M.G.L. c.231, §60B) in accordance with Rule 9A. (See Exhibit A).
3. To date, I have received no opposition from plaintiffs' counsel.

Signed under the pains and penalties of perjury this 27<sup>th</sup> day of JANUARY, 2010.

  
William J. Dailey, III, BBO#558837  
SLOANE AND WALSH, LLP  
Three Center Plaza  
Boston, MA 02108  
(617) 523-6010  
[wdailey3@sloanewalsh.com](mailto:wdailey3@sloanewalsh.com)

SLOANE AND WALSH

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WRITER'S DIRECT E-MAIL ADDRESS: WDAILEY3@SLOANEWALSH.COM

Exhibit A

WILLIAM J. DAILEY, JR.  
JOHN P. RYAN  
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TIMOTHY B. SWEETLAND  
NICOLE J. TODESCO

January 12, 2010

Kevin Donius, Esq.  
LAW OFFICES OF  
KEVIN DONIUS, P.C.  
424 Adams Street, Suite 100  
Milton, MA 02186

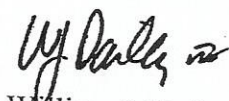
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Dear Mr. Donius:

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We will file the above Motion, along with any timely received opposition, directly with the court under Superior Court Rule 9A.

Very truly yours,

  
William J. Dailey, III

Enc.  
WJDIII:cb