NOTIFY 13

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
CIVIL DOCKET 2584CV 00156

ICELY OMJ

vs.

MAJ GENERAL ANTHONY, ET AL

TRIAL ORDER

This action is scheduled for a trial as follows:

TRIAL DATE
DATE: 2/7/2027
TIME: **9:00 a.m.**
LOCATION: **Suffolk Superior Court, Courtroom 313**

A final trial conference is scheduled as follows:

FINAL TRIAL CONFERENCE
DATE: 1/31/2027
TIME: **2:00 p.m.**
LOCATION: **Suffolk Superior Court, Courtroom 313**

In order to conduct the trial in as orderly a manner as possible, and thereby conserve the resources of the parties and the Court, the Court **ORDERS** that the parties comply with the terms of one of the following options *no later than* one week before the Final Trial Conference:

OPTION 1: JURY TRIAL

The parties shall file the following one week before the Final Trial Conference:

1. Updated Joint Pretrial Memorandum (with final expert disclosures appended);
2. Motions in Limine with Oppositions (served under Sup. Ct. R. 9A);
3. Any Request for Attorney-Conducted Voir Dire in compliance with Sup. Ct. R. 6;
4. Proposed Voire Dire Questions or Topics;
5. Requested Jury Instructions;
6. A List of Agreed-Upon Exhibits; and
7. A jointly prepared Proposed Verdict Slip. If the parties cannot (after diligent effort) agree on a proposed Verdict Slip, each side can submit their own version for consideration.

OPTION 2: NON-JURY TRIAL WITH WAIVER OF DETAILED FINDINGS

If **ALL** parties agree to a jury-waived trial, or if there is no claim that requires trial by jury, and if **ALL** parties agree to the waiver of detailed findings, the parties shall file the following one week before the Final Trial Conference:

1. A document entitled "**Waiver of Detailed Findings,**" **signed by all parties** stating: "The parties agree to waive detailed findings and rulings of law by the Court pursuant to

Superior Court Rule 20(2)(h)."

2. **A binder of agreed upon exhibits** and a **binder of contested exhibits** in compliance with Option 3, paragraphs 3 and 4 below.

3. **A Joint Statement of Applicable Rules of Law**, with citation to authorities, which the parties ask Court to consider. The Court strongly encourages agreement. If the parties are unable to agree, each side may submit a separate **Statement of Applicable Rules of Law.**

4. **Joint** proposed **Special Verdict Questions** to be answered by the Court. The waiver of detailed findings may not be contingent upon approval of the proposed Special Verdict Questions. The Court strongly encourages agreement. If the parties are unable (after diligent effort) to agree, each side may submit their own proposed **Special Verdict Questions.**

OPTION 3: NON-JURY TRIAL WITHOUT WAIVER OF DETAILED FINDINGS

If the parties select Option 3, the parties shall file the following one week before the Final Trial Conference:

1. Each side's or party's **Proposed Findings of Fact** presented in short, numbered paragraphs, each of which identifies the evidence (e.g., the name of a testifying witness or the proposed exhibit) that will be offered to prove the fact. Proposed findings shall include all proposed subsidiary facts that the party will ask the court to find, but shall not include any ultimate facts, characterizations, explanation, or argument. Multiple parties on the same side of the case shall submit a single set of proposed findings whenever possible.

2. Each side's or party's **Responses to the other Side's Proposed Findings of Fact,** consisting solely of the word "disputed" or "undisputed" and, if the former, reference to the evidentiary basis of the proposed dispute (e.g., the name of a witness or a proposed exhibit that is expected to provide contrary proof, or an indication that such party expects that the proposing party's evidence will not support the fact). These responses shall not include any characterizations, explanation, or argument. Multiple parties on the same side shall submit a single set of responses whenever possible.

3. A **binder with copies of all agreed exhibits** that the parties agree may be admitted at trial without objection.

4. A **binder with copies of all contested exhibits** that any party proposes to be admitted at trial to which any other party objects, along with a brief statement of the ground of the objection with respect to each such document.

5. Each side's or party's **Proposed Rulings of Law,** providing citations to all authorities which that side or party asks the Court to consider. Multiple parties on the same side of the case shall submit a single set of proposed rulings whenever possible.

The evidence to be presented at trial shall be confined to those factual issues that are identified as disputed in the documents filed pursuant to paragraph 2. Those facts identified as undisputed by means of the documents filed pursuant to paragraphs 1 and 2 shall be treated as stipulated. Exhibits to be admitted at trial shall be limited to those provided in the two binders filed pursuant to paragraphs 3 and 4.

Whether proceeding pursuant to Option 1, 2 or 3, all parties should be prepared to discuss the following (as applicable) at the Final Trial Conference:

1. Depositions to be reviewed by the Court;
2. Schedule of expert witnesses;
3. The marking of exhibits;
4. Juror notebooks;
5. Unusual legal or evidentiary issues;
6. Length of trial and the trial schedule;
7. Number of jurors to be seated, participation of alternate jurors, and the minimum jury composition that will be allowed to return a verdict;
8. Witness order and the requirement of advance notice of appearance; and
9. All other housekeeping matters.

8/3, 2026

Justice of the Superior Court

attest:
Michael C. O'Leary
Deputy Clerk
Norfolk