DOCKET NUMBER

Trial Court of Massachusetts



NOTICE OF PRETRIAL CONFERENCE	1143CV000293	District Court Department Civil Session	
CASE NAME Brian Johnson v. Peter Frei	- 4		
ATTORNEY (OR PRO SE PARTY) TO WHOM THIS COPY OF NOTICE IS ISSUED		COURT NAME & ADDRESS	
Peter Frei		Palmer District Court	
101 Maybrook Road		235 Sykes Street - Suite 3	
HOLLAND, MA 01521		Palmer, MA 01069	
NEXT COURT EVENT DATE & TIME 01/17/2019 at 02:00 PM		JUDGE OR MAGISTRATE (if already assigned)	
COURT SESSION		COURT CONTACT PERSON	- 17 18 - 18 - 18 - 18 - 18 - 18 - 1
Civil Session		Pat	
AAA COUNSEL FOR ALL PARTIES (OR PRO SE PARTY) AAA MUST APPEAR ON THE DATE & TIME SHOWN ABOVE		COURT CONTACT PERSON PHONE NUMBER 413-283-1005	

A pretrial/conciliation conference will be held at this court on the above date and time. Pursuant to Mass. R. Civ. P. 16, the the parties are ORDERED as follows:

- Settlement. Plaintiff counsel shall contact opposing counsel to discuss settlement in advance of the conference. Defense counsel shall, after conferring with the defendant(s), respond to any settlement demand made by the plaintiff(s). Counsel for each party shall discuss with their client(s) the estimated costs of further litigation through trial, and shall certify in the pretrial memorandum that such discussion has occured.
- Memorandum. At least three weeks before the conference, plaintiff counsel shall prepare and serve a draft joint pretrial memorandum to opposing counsel, consisting of no more than 5 pages, setting forth: (A) a concise summary of the claim and defenses; (B) a list of witnesses, including experts, and a concise summary of the testimony anticipated from each witness; (C) facts established by pleadings, stipulation or admission; (D) an itemized list of special damages, if any; (E) the estimated length of trial; (F) certification by each counsel that their client(s) have been apprised of estimated litigation costs. At least two weeks before the conference, defense counsel shall prepare and serve any revisions to such memorandum. Counsel for all parties shall thereafter confer and, at least one week before the conference, file a joint pretrial memorandum with the court.
- Authority. Counsel are expected to have full authority to settle and file stipulations of dismissal or agreements for judgment at the pretrial conference. All parties shall be available for telephone consultation by counsel during the pretrial
- Continuances. Request for continuances of the pretrial conference shall be made in writing and addressed to the attention of the judge named below. Requests shall specify the next pretrial conference dates that all counsel are available.
- Trial Date. A firm trial date will be set by the Court and counsel if the case does not settle at the pretrial conference. 5.
- 6. Sanctions. Failure to comply with this order, or failure to appear at the pretrial conference, may result in sanctions including but not limited to assessment of costs, entry of default or dismissal.
- 7. Liaison. Please call the court contact person listed above with any questions or to report settlement in advance of the pretrial conference...
- 8. Further Orders of the Court.
 - See Attached Motion

DATE ISSUED	FIRST JUSTICE	CLERK-MAGISTRATE	
November 20, 2018	Hon. Michael E Mulcahy	Brian M St. Onge	

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COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF THE TRIAL COURT

DISTRICT COURT DEPARTMENT PALMER DIVISION CIVIL ACTION NO. 1143CV293

Brian Johnson,
Plaintiff
v.
Peter Frei,

Defendant

MOTION FOR A CONTINUANCE TO BE PRESENTED TO HONORABLE MICHAEL E MULCAHY and REQUEST FOR CLARIFICATION

Now comes the defendant, Peter Frei, in the above captioned matter and hereby files his motion for a continuance.

Frei will not be able to attend the pretrial/conciliation conference scheduled for 11/29/2018 at 2:00PM as he will be in Switzerland from 11/26 till 12/5 visiting his 94 year old mother. Frei has booked a round-trip flight well in advance as he does every year for a special price (\$449.48) and dates are firm and can not be changed. Also, Frei has scheduled a difficult doctors visit on 11/29 at 10:00AM for his mother in Switzerland and will assist and accompany her on this visit with her personal physician.

Frei tried to conferred with opposing counsel to propose a new date for the pretrial/conciliation conference but Tani Sapirstein does not talk to Frei and does not return phone calls.

The pattern is as follows; Frei calls her office and the person answering the call asks who is calling and then explains that he/she will see if Sapirstein is available. She never is... Another person than Sapirstein then calls back to see what the call was all about.