

Commonwealth of Massachusetts
PLYMOUTH SUPERIOR COURT
Case Summary
Civil Docket

PLCV2000-00076
Beck et al v Massachusetts Department of Education et al

File Date	01/24/2000	Status	Disposed: Appeal assembled (dapassem)
Status Date	11/13/2003	Session	A - Civil A - CtRm 4 (Brockton)
Origin	1	Case Type	B15 - Defamation/libel/slander
Lead Case		Track	A

Service	04/23/2000	Answer	06/22/2000	Rule12/19/20	06/22/2000
Rule 15	04/18/2001	Discovery	03/14/2002	Rule 56	05/13/2002
Final PTC	09/10/2002	Disposition	01/23/2003	Jury Trial	Yes

PARTIES

Plaintiff
Roberta Beck
22 F St
Hull, MA 02045
Active 01/24/2000 Notify

Plaintiff
David L. Higgs
1269 Pleasant St
Weymouth, MA 02188
Active 01/24/2000 Notify

Plaintiff
Rodney W. Young
70 J St
Hull, MA 02045
Active 01/24/2000 Notify

Defendant
Massachusetts Department of Education
One Ashburton Place
Charter School Office
Active 01/24/2000

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11/13/2003
10:49 AM

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Defendant

Edward Kirby
C/O Charter School Office
One Ashburton Place, Suite 1403
former Acting Assoc. Commissioner of Education
Active 01/24/2000

Defendant

Scott Hamilton
C/O Charter School Office
One Ashburton Place, Suite 1403
former Assoc. Commissioner of Education
Active 01/24/2000

Defendant

South Shore Charter School
2 A Street
Answered 10/16/2001

Defendant

David P. Driscoll
350 Main Street
Active 01/24/2000

Defendant

Gregory L. Thornton, Chairman of SSCS Board of
Trustees
51 Jerusalem Road Drive
Answered 10/16/2001

Private Counsel 566211

Mark W Batten
Bingham McCutchen LLP
150 Federal Street
Boston, MA 02110
Phone: 617-951-8000
Fax: 617-951-8736
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*** See Attorney Information Above ***

Private Counsel 544308

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Mass Atty General's Office
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Defendant

Timothy Anderson
936 Nantasket Avenue
former SSCS CEO
Active 01/24/2000

*** See Attorney Information Above ***

Defendant

Diane Ellis Miles
9 Park Avenue
former SSCS Headmaster
Answered 10/16/2001

Private Counsel 554628

Betsy L Ehrenberg
Pyle Rome Lichten & Ehrenberg
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Boston, MA 02108
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Active 10/16/2001 Notify

ENTRIES

Date	Paper	Text
01/24/2000		Original: OR=1 TY=B15 TRK=A.
10/30/2000	28.0	Motion for reconsideration of motion to sanction
11/07/2000	29.0	Opposition of South Shore Charter School to plttf's Motion for reconsideration
11/10/2000		Stat at cnvrns to cmputr 11/10/2000. (see docket book for previous docket entries).
11/13/2000		Notice sent: Motion for reconsideration of Motion to sanction sent to Connolly,J
11/20/2000	30.0	MEMORANDUM and ORDER: on the plttf's motion for reconsideration of the plttfs' motion to sanction the deft. South Shore Charter School and its counsel and for the presiding justice to recuse himself from any further matters regarding this case, DENIED (Connolly, J.)
11/28/2000	31.0	Motion of defts Gregory Thornton and South Shore Charter School for judgment on pleadings;Opposition
12/18/2000	32.0	Notice sent to appear on Monday, January 22, 2001 @ 2:00 in Brockton for a hearing on Judgment on the Pleadings
12/20/2000	33.0	Notice of interlocutory appeal of plttfs. on November 20, 00 Memorandum and Order on plttfs' mo. for reconsideration and motion for sanctions
01/02/2001	34.0	Notice of Docket Entry from Appeals Court: Assuming without deciding that this petition was timely filed, it is denied because the plttfs' have failed to establish that the Superior Court abused its discretion or committed an error of law in denying the plttfs.' motion for reconsideration. (Beck, Justice) dated December 29, 2000
02/12/2001	35.0	MEMORANDUM and ORDER: Deft. South Shore Charter School's motion for judgment on pleadings, and claims are dismissed, and deft. Thornton's motion for judgment on pleadings is denied (Hely, Justice)
03/09/2001	36.0	Plttfs' Motion to name Diane Ellis-Miles as deft per Rule 19 of civil procedure and amend the complaint;Aff under 9A

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Date	Paper	Text
03/09/2001	37.0	Motion to re-designate case from average track to accelerated track;Aff under 9A
03/15/2001	38.0	Notice of appeal of plttfs to Memorandum dated Feb. 12, 2001 by Judge Hely
03/15/2001	39.0	Motion for final entry of judgment by plttfs. regarding defts. Thornton and SSCS
03/19/2001	40.0	Atty Mark W Batten's notice of appearance for Timothy Anderson and Gregory Thornton
03/22/2001		Motion (P#36) allowed (Charles J. Hely, Justice) Notices mailed March 23, 2001
03/22/2001		Motion (P#37) allowed (Charles J. Hely, Justice) Notices mailed March 23, 2001
03/23/2001	41.0	Opposition of deft. South Shore Charter School, Thornton and Anderson to plttf's. motion for entry of separate and final judgment
03/27/2001	42.0	Amended complaint and jury claim of plttfs. by adding Diane Ellis Miles as party deft.
03/28/2001	43.0	Notice sent to appear on Monday, April 23, 2001 @ 2:00 in Brockton for a hearing on Entry of Separate and Final Judgment
03/30/2001	44.0	Motion for reconsideration of allowance of plttfs' motion to re-designate track, brief in support
04/03/2001		Motion (P#44) hearing on this motion for 4-23-01. Parties should prepare agreed or unagreed proposed schedule for depositions, summary judgment hearing and trial (Hely, J.) (Charles J. Hely, Justice). Notices mailed April 04, 2001
04/06/2001	45.0	Plttf's opposition to defts' motion for reconsideration to re-deisgnate track
04/06/2001	46.0	SERVICE RETURNED (summons): Diane Ellis Miles
04/24/2001	47.0	ORDER on scheduling and motion for separate judgment: Discovery to close July 23, 01; service of oppositions to summary judgment Aug. 14, 01; Filing of summary judgment motions Aug. 17, 01; hearing on motions for summary judgment Aug. 22, 01; Pre-trial conference Sept. 10, 01 and Trial Sept. 17, 01 (Charles J. Hely, Justice)
04/24/2001		Notice sent to appear on August 22, 2001 for a hearing on summary judgment
04/24/2001		Notice sent to appear for pre-trial conference on September 10, 2001
04/24/2001		Notice sent to appear for trial by jury on September 17, 2001
04/30/2001	48.0	Defts Motion for extension of time to file answer;Aff under 9A
05/07/2001	49.0	ANSWER: Massachusetts Department of Ed
05/07/2001	50.0	ANSWER: Deft Dr. Diane Ellis
05/08/2001		Motion (P#48) allowed (Hely, J.)Notices mailed May 09, 2001
07/06/2001	51.0	Motion by plttf David Higgs for court order compelling discovery under MASS.R.CIV.P. 34, and for a related order compelling disclosure of documents under M.G.L.C.66.SEC 10; and request for hearing;Opposition
07/18/2001	52.0	Emergency motion to Revise Scheduling Order; Opposition
07/24/2001		Notice sent to appear on August 22, 2001 @ 2:00 in Brockton for a

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Date	Paper	Text
		hearing on all outstanding motions
08/17/2001	53.0	Motion for Summary Judgment pursuant to Mass.R.Civ.P. 56 by defts. Thornton and Anderson vs. plttfs., motion of defts. Thornton and Anderson for leave to file memo in support in excess of 20 pages, proposed memo in support, plttfs' memo and brief in opposition to summary judgment
08/17/2001	54.0	Motion for Summary Judgment pursuant to Mass.R.Civ.P. 56 by defts. Thornton and Anderson on issue as to plttfs' public figue status vs. plttfs., memo and brief in support, plttfs' memo and brief in opposition, defts. Thorntan and Andersons state of legal elements and state of undisputed facts, plttfs. assessment of defts. statement of undisputed facts, affidavit of Martha Harrison, Esq.
09/11/2001	55.0	Motion for Summary Judgment pursuant to Mass.R.Civ.P. 56 by defts'. DEPT. OF EDUCATION, DAVID DRISCOLL, EDWARD KIRBY and SCOTT HAMILTON v plttfs'.
10/11/2001		Notice sent to appear on October 25, 2001 Re: hearing on Motion to Compel and November 29, 2001 for a hearing on Summary Judgment
10/19/2001	56.0	Rule 9c certificate regarding Plaintiff David Higgs request of production of documents
10/24/2001	57.0	Motion for Summary Judgment pursuant to Mass.R.Civ.P. 56 by deft. DIANE MILES
10/25/2001		Motion (P#51) after hearing, Court orders deft. to answer specifically - identifying each answer to each question or request and said discovery to be provided within 20 days (Richard J. Chin, R A J). Notices mailed October 30, 2001
11/29/2001	57.1	Plaintiffs' MOTION to amend oppositions to defts' motion for Summary Judgment
02/22/2002	58.0	MEMORANDUM and ORDER: on defts' motions for summary judgment, allowed (Chin, J.)
02/25/2002	59.0	SUMMARY JUDGMENT for Defendants Massachusetts Department of Education, et al with costs (Chin, Justice). Copies mailed February 25, 2002
03/25/2002	60.0	Plaintiff Roberta Beck, David L. Higgs, Rodney W. Young's notice of appeal from Summary Judgment dated 2/25/02
03/25/2002	61.0	Notice of filing of appeal sent
04/01/2002	62.0	Plttfs' Certification of transcript ordered from Court Reporter Meany, Thomas F.
05/03/2002	63.0	Defts Gregory Thornton and Timothy Anderson's bill of costs
09/18/2003	64.0	Notice sent of status review of appeal
10/08/2003		Status review notice returned awaiting transcripts and assembly of record
11/05/2003	65.0	Transcript of proceedings received (1 volume) from Court Reporter Meany, Thomas F.
11/13/2003	66.0	Notice sent to clerk of Appeals Court that record is assembled
11/13/2003	67.0	Statement of the Case on Appeal
11/13/2003	68.0	Record assembled; notice (9d) to clerk of Appeals Court with 2

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Date	Paper	Text
	68.0	certified copies of docket entries; notice mailed

EVENTS

Date	Session	Event	Result
01/22/2001	Civil A - CtRm 4 (Brockton)	Motion/Hearing: Judg on Pleading Case on the Motion List for Monday, January 22, 2001 @ 2:00 in Brockton Re: Judgment on the Pleadings	Event held as scheduled
04/23/2001	Civil A - CtRm 4 (Brockton)	Motion/Hearing: miscellaneous Case on the list in the A Session Re: Motion for Entry of Separate and Final Judgment and for reconsideration	Event held as scheduled
08/22/2001	Civil A - CtRm 4 (Brockton)	Motion/Hearing: Rule56	Event held as scheduled
08/22/2001	Civil A - CtRm 4 (Brockton)	Motion/Hearing: Compel All Outstanding Motions	Event canceled not re-scheduled
09/10/2001	Civil A - CtRm 4 (Brockton)	Conf: final pre-trial	Event canceled not re-scheduled
09/17/2001	Civil A - CtRm 4 (Brockton)	TRIAL: by jury	Event canceled not re-scheduled
10/09/2001	Civil A - CtRm 4 (Brockton)	Motion/Hearing: miscellaneous All Outstanding Motions	Event not held--scheduled for another date
10/25/2001	Civil A - CtRm 4 (Brockton)	Motion/Hearing: Compel	Event held as scheduled
11/29/2001	Civil A - CtRm 4 (Brockton)	Motion/Hearing: Rule56	Event held as scheduled

A TRUE COPY ATTEST

Grande R. Funes
CLERK