

SEAL

CASE MANAGEMENT CONFERENCE NOTICE AND ORDER (4 pages)	DOCKET NUMBER 18 PS 000253	Commonwealth of Massachusetts Land Court Department of the Trial Court 
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CASE NAME

Boxborough Town Center, LLC, Plaintiff(s)

v.

Town of Boxborough Planning Board, et al., Defendant(s)

NOTICE AND ORDER ISSUED TO Mark Bobrowski, Esq. Blatman, Bobrowski & Haverty, LLC 9 Damonmill Square Suite 4A4 Concord, MA 01742	COURT ADDRESS & PHONE NUMBER Land Court Department Three Pemberton Square Room 507 Boston, MA 02108 (617)788-7470
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An initial Case Management Conference shall be held before **Hon. Michael D Vhay** in accordance with Land Court Department Standing Order No. 1-04 as follows:

Date: 06/07/2018

Time: 11:30 AM

RECEIVED
 MAY 29 2018
 PLANNING BOARD
 TOWN OF BOXBOROUGH

Daily courtroom assignments are posted in the 5th floor lobby.

The Court considers attendance of the senior attorneys ultimately responsible for the case to be of utmost importance, and both they and all individuals representing themselves *pro se* are required to attend the Conference. **The Plaintiff(s) (through counsel if represented, or individually if proceeding *pro se*) is/are responsible for forwarding a copy of this Case Management Conference Notice and Order to all other Parties in the case or their attorneys, if known, including those who have not yet filed an answer or appearance with the Court, well in advance of the Case Management Conference.**

Obligation of Counsel to Confer. Unless otherwise ordered by the Court, the Parties (through their counsel if they are represented, and on their own behalf if they do not have counsel) shall confer no later than fourteen (14) days before the date of the Case Management Conference for the purpose of preparing the mandatory written Joint Statement described below. It is the responsibility of the Plaintiff(s) to initiate the conference and to ensure the timely completion and filing of the Joint Statement.

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Required Joint Statement. Unless otherwise ordered by the Court, the Parties are required to file, no later than five (5) business days before the Case Management Conference, an original and a duplicate copy of a written Joint Statement. The Joint Statement shall include:

1. **Case Description.** A *brief* description of the case, its issues, and the Parties' respective positions on those issues. In cases where geographical facts are important (e.g., boundary disputes, easement disputes, subdivision appeals, special permit or variance appeals), a sketch plan illustrating those facts should be attached to the Joint Statement.
2. **Identification of Parties.** A complete list of parties to the case. For each individual party, provide a statement of that party's preferred pronoun (e.g., he, she, they, etc.) and preferred honorific (e.g., Mr., Mrs., Dr., etc.). For any party that is a non-governmental corporate entity, provide a statement in compliance with Supreme Court Rule 1:21.
3. **List of Related Cases.** A list of all related cases, whether in this or any other court or tribunal, and whether currently pending or concluded. For each such case, the list shall contain the case name, parties, court, docket number, status, and a short description of its facts, issues and relationship to this action. If any of the Parties contemplates a request for consolidation, transfer to another court, or special assignment of a trial court justice, the Joint Statement must address this. If there are no related cases, the Joint Statement should so note.
4. **Discovery Plan.** A joint discovery plan which proposes a schedule for the time and length of all discovery events. The discovery plan must include a deadline for designation of any expert witnesses, and for disclosure of their expected testimony. The discovery plan shall either be consistent with the initial Track Designation given the case or, if the Parties propose a different schedule, one that allows the Parties to complete discovery on the modified schedule. If any Party seeks an amendment to the Track Designation, or an extension or modification to any of the applicable tracking order dates, a request for such amendment, extension or modification may be included in the Joint Statement, and the Court may make the requested amendment, modification or extension, on its own motion, for good reasons and as the interests of justice require.
5. **Motion Schedule.** A proposed schedule for the filing of dispositive or other pre-trial motions, identifying with specificity the types of motion(s) anticipated and the party(ies) expected to bring them. If the Parties' proposed motion schedule would exceed any of the applicable tracking order deadlines, the Joint Statement shall so indicate, and shall include a request for permission to exceed the deadline(s), setting forth detailed reasons for the request.
6. **Alternative Dispute Resolution Statement.** A statement of the Parties' willingness to participate in mediation (settlement negotiations assisted by a neutral person) or other methods of alternative dispute resolution. The statement must describe and give the status of any alternative dispute resolution which the Parties have attempted, scheduled, or proposed to each other, but shall not describe the content of such settlement proposals or negotiations.
7. **Third Parties.** A brief statement (with reasons) identifying anyone not already in the case but whom any Party intends to join or believes should be made a party.

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- 8. **Additional Notices.** A brief statement (with reasons) of any additional notices, including by publication or recording, which any Party believes should be given to interested parties, such as the Attorney General, potential interveners, unknown heirs, or lienholders.
- 9. **Other Matters.** A list of other matters which any Party proposes for discussion at the Case Management Conference.

NOTES

The Court strongly encourages all Parties to have counsel represent them at the Case Management Conference and throughout the case.

The Court considers attendance of the senior attorneys ultimately responsible for the case to be of utmost importance, and both they and all individuals representing themselves *pro se* are required to attend the Case Management Conference.

Any Party (whether through counsel or acting *pro se*) who fails to attend the Case Management Conference, or who does not in good faith participate in the Conference or in the preparation of the Joint Statement, shall be subject to sanctions including (if the Court deems it appropriate) dismissal of that Party's claims or entry of judgment against that Party.

If any Party believes they will need either the services of an interpreter, or an assisted hearing device, at the Case Management Conference, they must make arrangements with the Assigned Judge's Sessions Clerk no later than one week before the above scheduled Case Management Conference date.

Questions should be directed to the below-named Sessions Clerk:

Sessions Clerk: Jennifer Masello
 E-mail Address: jennifer.masello@jud.state.ma.us
 Telephone No.: (617) 788-7406
 Fax No.: (617) 788-8951

SO ORDERED.

By the Court: Hon. Michael D Vhay

Attest:

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cc: