

[Skip to main content](#)**1584CV00278 Minich, Mother, Joanne et al vs. Spencer, Luis S. et al**

- Case Type
- Torts
- Case Status
- Open
- File Date
- 01/29/2015
- DCM Track:
- F - Fast Track
- Initiating Action:
- Other Tortious Action
- Status Date:
- 10/30/2015
- Case Judge:
- Wilson, Hon. Paul D
- Next Event:

[All Information](#) [Party](#) [Event](#) [Tickler](#) [Docket](#) [Disposition](#)

Docket Information

| <u>Docket Date</u> | <u>Docket Text</u> | <u>File Ref Nbr.</u> |
|--------------------|---|----------------------|
| 01/29/2015 | Complaint & jury demand | 1 |
| 01/29/2015 | Origin 1, Type B99, Track F. | |
| 01/30/2015 | Civil action cover sheet filed (\$8,250,000.00) | 2 |
| 03/02/2015 | SERVICE RETURNED: Massachusetts Department of Correction(Defendant)(in hand 2/24/15) | 3 |
| 03/02/2015 | SERVICE RETURNED: Robert Murphy(Defendant)(in hand 2/24/15) | 4 |
| 03/02/2015 | SERVICE RETURNED: Luis S. Spencer(Defendant) (in hand 2/24/15) | 5 |
| 03/02/2015 | SERVICE RETURNED: Massachusetts Partnership for Correctional Healthcare, LLC and MHM Services Inc(Defendants)(by attorney 2/26/15) | 6 |
| 03/02/2015 | SERVICE RETURNED (summons): Robert B Diener, MD, Gurvinder Jaiswal, MD, Khalid Kham, MD, Joel Olubodun, MD, Leonid Zolotnitskiy, MD, Danielle Rousayne, LPN, Cindy Bertucci, RN, Sarah Floeck, RN, Kimberly Campanella, RN and Janet Carrara, RN, service made on 2/26/2015 (by attorney) | 7 |
| 04/21/2015 | ANSWER: Massachusetts partnership for Correctional Healthcare, MHM Services Inc, Robert B Diener, MD, Gurvinder Jaiswal, MD, Khalid Khan, MD, Joel Olubodun, MD, Leonid Zolotnitskiy, MD, Danielle Rousayne, LPN, Cindy Bertucci, RN, Sarah Floeck, RN, Kimberly Campanella, RN, Janet Carrara, RN and jury demand (all issues) | 8 |
| 04/21/2015 | Request for Rule 16 Conference by Defendants MA Partnership for Correctional Healthcare, MHM Services, Robert Diener, Gurvinder Jaiswal, Khalid Khan, Joel Olubodun. Leonid Zolotnitskiy, Daniel Rousayne, Cindy Bertucci, m Sarah Floeck, Kimberly Campenella & Janet Carrara | 9 |
| 04/21/2015 | Defendant Luis S. Spencer, Robert Murphy, Massachusetts Department of Correction's Notice of intent to file motion to Dismiss | 10 |
| 04/30/2015 | Plaintiffs' MOTION for leave to advance the proceedings (w/opposition) | 11 |
| 05/07/2015 | Court received a letter to the Honorable Bonie MacLeod from the plffs requesting leave to file a reply brief, not to exceed 10 pages. filed on 5/6/15 , and request referred to Judge Wilson who is specially assigned to this matter. | 12 |
| 05/07/2015 | Request of Plaintiffs (Non-Joint) for Special Assigment | 13 |

| Docket Date | Docket Text | File Ref Nbr. |
|-----------------------------|---|-------------------------------|
| 05/07/2015 | ORDER FOR SPECIAL ASSIGNMENT: After due consideration of the plaintiffs' request for special assignment in the above-captioned case, said request is hereby ALLOWED. It is hereby ORDERED that the Honorable Paul D. Wilson, Associate Justice of the Superior Court, is specially assigned to hear the case for all purposes. The case shall also be transferred to the "G" session. The Clerk-Magistrate's office will notify all counsel of record. (Judith Fabricant, Chief Justice) Dated: May 4, 2015 Notice sent 5/7/15 to all counsel of record | 14 |
| 05/14/2015 | MOTION to Change the Tracking Order Designation by Defendants MHM & MPCH and the Clinician Defendants (with opposition) | 15 |
| 05/18/2015 | Defendants Massachusetts Department of Correction, Luis Spencer and Robert Murphy's MOTION to Dismiss (MRCP 12b) Complaint of Plaintiffs (w/opposition) | 16 |
| 05/18/2015 | Defendants Massachusetts Department of Correction, Luis Spencer and Robert Murphy's MOTION to Stay Discovery (w/opposition) | 17 |
| 05/21/2015 | Motion (P#15) DENIED without prejudice The parties shall endeavor to present a proposed joint tracking order that reflects the plff's desire to move the case and the case complexity Assent argeement The parties shall submit one docuementswith separate proposals by 6/11/15 Robert L. Ullmann, Justice) Notices mailed 5/21/2015 | |
| 06/15/2015 | Defendants' MOTION for a Protective Order staying the deposition of Steven H. Wheeler (w/opposition) | 18 |
| 06/19/2015 | Plaintiffs' Emergency MOTION for Leave to Amend Their Complaint | 19 |
| 06/23/2015 | Motion (P#19) DENIED w/o prejudice for failure to comply with Superior Court Rule 9A. There is ni convincable reason why this motion had to be filed as an emergency basis. Future failures to comply with the applicable rules may well result in sanctions to plff's counsel. (Robert L. Ullmann, Justice) Notices mailed 6/23/2015 (entered 6/23/15) | |
| 06/26/2015 | Opposition to Plaintiffs' emergency motion to amend the complaint filed by Defendants Massachusetts Department of Correction, Luis Spencer, and Robert Murphy | 20 |
| 06/29/2015 | ORDER ON VARIOUS MOTIONS(see pleading) (Paul D. Wilson, Justice) (entered 6/26/15) notices mailed 6/29/15 | 21 |
| 06/29/2015 | Order for entry of Dismissal Nisi as to ALL DEFENDANTS OTHER THAN SPENCER AND MURPHY ONLY, 30 days (Robert L. Ullmann, Justice) Notice Sent 06/29/2015 | 22 |
| 07/22/2015 | Letter to Judge Wilson Request of plff for leave for one additional week to submit their amended complant & Allowed (Wilson,J) Notice sent 7/22/15(entered 7/20/15) | 23 |
| 07/27/2015 | Amended complaint of plff & jury demand (all issues) | 24 |
| 07/30/2015 | Pliffs' assented to JOINT Motion of parties to rxtend the Nisi Order | 25 |
| 08/06/2015 | Motion (P#25) ALLOWED until SEPTEMBER 01, 2015 (Paul D. Wilson, Justice) Notices mailed 08/06/2015 (entered 08/04/2015) | |
| 08/10/2015 | Court received a letter to the Honorable Paul Wilson from the defts requesting leave to file a memorandum in excess of 20 pages. filed & ALLOWED on 8/7/15 - 5 extra pages. (Paul Wilson, Justice) notices mailed 8/10/15 | 26 |
| 09/01/2015 | Letter to Judge Wilson Request leave of Court to submit an opposition ALLOWED Pliffs may also have five (5) extra pages (Wilson,J) Notice sent 9/1/15 (entered 8/31/15) | 27 |
| 09/03/2015 | Assented to Joint Motion to extend the Nisi Ordr by plffs & Healthcare defts | 28 |
| 09/08/2015 | Motion (P#28) ALLOWED until OCTOBER 1, 2015 (Paul D. Wilson, Justice) Notices mailed 09/08/2015 | |
| 09/14/2015 | Defendant Massachusetts Department of Correction & Robert Murphy's MOTION to Dismiss (MRCP 12b) Complaint of Plaintiffs (w/opposition) | 29 |
| 09/28/2015 | Plaintiff Joanne Minich, Mother, Vilma Zomosa, Mother, Daniela Zomosa, Sister, Jeff Doe, Father, Judy Doe, Mother's Joint Motion to extend date of nisi dismissal | 30 |

| Docket Date | Docket Text | File Ref Nbr. |
|-----------------------------|---|-------------------------------|
| 10/06/2015 | Endorsement on Motion to Extend the Nisi order by Plaintiffs & Healthcare Defendants (Assented To) (#30.0): ALLOWED (Wilson, J) October 1, 2015. Notice sent 10.2.15 | |
| 10/30/2015 | Stipulation of dismissal with prejudice, without costs as to Joanne Minich, Mother, Vilma Zomosa, Mother, Daniela Zomosa, Sister, Jeff Doe, Father, Judy Doe, Mother's original complaint (filed 10/23/15) against defts Robert Diener MD Gurvinder Jaiswal MD Khalid Khan MD Joel Olubodun MD Leonid Zolotnitskiy MD Danielle Rousayne LPN CIndy Bertucci RN Sarah Floeck RN Janet Carrara RN Kimberly Campanella RN John Doe I John Doe II and John DOe III JUDGMENT entered on docket pursuant to Mass R Civ P 58(a) as amended and notice sent to parties pursuant to Mass R Civ P 77(d) | 31 |
| 10/30/2015 | Stipulation of dismissal with prejudice, without costs as to Joanne Minich, Mother, Vilma Zomosa, Mother, Daniela Zomosa, Sister, Jeff Doe, Father, Judy Doe, Mother's original complaint (filed 10/23/15) against defts MHM/MPCH JUDGMENT entered on docket pursuant to Mass R Civ P 58(a) as amended and notice sent to parties pursuant to Mass R Civ P 77(d) | 32 |
| 12/04/2015 | Joanne Minich, Mother's MOTION for reconsideration of Court Order dated 06/26/2015 re: paper #21.0. or, in the alternative, to schedule oral argument on the Commonwealth Defendants' motion to dismiss "in the near future" (w/opposition) Applies To: Minich, Mother, Joanne (Plaintiff); Zomosa, Mother, Vilma (Plaintiff); Zomosa, Sister, Daniela (Plaintiff); Doe, Father, Jeff (Plaintiff); Doe, Mother, Judy (Plaintiff) | 33 |
| 02/03/2016 | Endorsement on Motion for Reconsideration (#33.0): DENIED This is a lawsuit for damages, and so the alleged problems evidenced by plaintiff Zomosa, while regrettable, are irrelevant to this case and should be (and apparently are being) handled under the dispute resolution mechanisms established in the earlier Norfolk County lawsuit. The motion to Dismiss will be argued as scheduled Feb. 3, 2016 in Courtroom 630 at Middlesex Superior Court. (dated 1/30/16) notice sent 2/2/16 | |
| 05/18/2016 | MEMORANDUM & ORDER: OF DECISION ON DEFENDANTS' MOTION TO DISMISS: ORDER - For the foregoing reasons, the defendants' motion to dismiss is ALLOWED IN PART and DENIED IN PART. The motion is ALLOWED as to Count III only insofar as that count is brought against the Commonwealth and the Department of Correction, and as to Count IV and Count V only insofar as those counts are brought against Spencer and Murphy. The motion is otherwise DENIED. Dated: May 12, 2016 Notice sent 5/17/16 | 34 |
| 06/29/2016 | Defendant Luis S. Spencer's Motion to enlarge time to file answer to amended complaint for the Court to schedule a conference pursuant to MRCP 16 & to continue the stay on discovery (w/opposition) | 35 |
| 07/05/2016 | Endorsement on Motion to extend time for filing ANSWER tro the amended complaint, for the Court to schedule a conference pursuant to Rule 16 & to continue the stay of discovery (#35.0): ALLOWED as to deadline to answer amended complaint. Counsel shall promptly contact the sessionc lerk to schedule a status conference and hearing on motion tocontinue the stay. (entered 6/30/16) notices mailed 7/5/16 | |
| 07/12/2016 | The following form was generated: Notice to Appear Sent On: 07/12/2016 09:53:06 | |
| 07/12/2016 | The following form was generated: Notice to Appear Sent On: 07/12/2016 09:53:28 | |
| 07/12/2016 | The following form was generated: Notice to Appear Sent On: 07/12/2016 09:55:26 | |
| 07/12/2016 | The following form was generated: Notice to Appear Sent On: 07/12/2016 09:56:53 | |
| 07/13/2016 | Received from Defendant Massachusetts Department of Correction: Answer to amended complaint; and Jury demand (all issues) | 36 |
| 07/13/2016 | Received from Defendant Spencer, Luis S.: Answer to amended complaint; and Jury demand (all issues) | 37 |
| 07/13/2016 | Received from Defendant Murphy, Robert: Answer to amended complaint; | 38 |
| 08/12/2016 | Event Result: The following event: Motion Hearing scheduled for 08/23/2016 02:00 PM has been resulted as follows: Result: Not Held Reason: Joint request of parties | |

| <u>Docket Date</u> | <u>Docket Text</u> | <u>File Ref Nbr.</u> |
|--------------------|---|----------------------|
| 08/12/2016 | Event Result: The following event: Conference to Review Status scheduled for 08/23/2016 02:00 PM has been resulted as follows: Result: Not Held Reason: Joint request of parties | |
| 08/12/2016 | The following form was generated: Notice to Appear Sent On: 08/12/2016 14:21:25 | |
| 08/15/2016 | The following form was generated: Notice to Appear Sent On: 08/15/2016 11:38:52 | |
| 08/15/2016 | The following form was generated: Notice to Appear Sent On: 08/15/2016 12:05:08 | |
| 09/01/2016 | Event Result: The following event: Motion Hearing scheduled for 09/01/2016 02:00 PM has been resulted as follows: Result: Held as Scheduled | |
| 09/01/2016 | Event Result: The following event: Conference to Review Status scheduled for 09/01/2016 02:00 PM has been resulted as follows: Result: Held as Scheduled | |
| 09/01/2016 | The following form was generated: Notice to Appear Sent On: 09/01/2016 15:23:47 | |
| 09/01/2016 | The following form was generated: Notice to Appear Sent On: 09/01/2016 15:47:16 | |
| 09/01/2016 | The following form was generated: A Notice to Appear was generated and sent to: Plaintiff: Jeremy Y. Weltman, Esq. Plaintiff: Roderick MacLeish, Jr., Esq. Plaintiff: Roderick MacLeish, Jr., Esq. Plaintiff: Seth Charles Turner, Esq. Plaintiff: Blakely Evanthia Markham, Esq. Defendant: Anne Margaret McLaughlin, Esq. Defendant: Adam R. LaGrassa, Esq. Defendant: Melissa J Garand, Esq. Defendant: Victor Jon Koufman, Esq. | |
| 09/02/2016 | Attorney appearance On this date Adam Hornstine, Esq. added for Defendant Massachusetts partnership for Correctional Healthcare | |
| 09/02/2016 | Attorney appearance On this date Adam Hornstine, Esq. added for Defendant Luis S. Spencer | |
| 09/02/2016 | Attorney appearance On this date Adam Hornstine, Esq. added for Defendant Robert Murphy | |
| 09/02/2016 | Attorney appearance On this date Joshua David Jacobson, Esq. added for Defendant Luis S. Spencer | |
| 09/02/2016 | Attorney appearance On this date Joshua David Jacobson, Esq. added for Defendant Robert Murphy | |
| 09/02/2016 | Attorney appearance On this date Joshua David Jacobson, Esq. added for Defendant Massachusetts Department of Correction | |
| 10/07/2016 | MEMORANDUM & ORDER: on plff's Motion for leave to amend their complaint I exercise my discretion to ALLOW Pliffs Motion for leave to amend their complaint The Second Amended complaint (with Class Action Allegations) filed on September 1, 2016 shall be the operative complaint Notice sent 10/12/16 | 39 |
| 10/14/2016 | Amended: amended complaint filed by Joanne Minich, Mother Second & jury demand | 40 |

| <u>Docket Date</u> | <u>Docket Text</u> | <u>File Ref Nbr.</u> |
|--------------------|--|----------------------|
| 10/28/2016 | Defendant Luis S. Spencer, Robert Murphy, Massachusetts Department of Correction's Motion to file a response of pleading by one week to the Second Amended Complaint (w/o opposition) | 41 |
| 11/01/2016 | Attorney appearance On this date William John Hunt, Esq. added for Plaintiff Joanne Minich, Mother | |
| 11/01/2016 | Attorney appearance On this date William John Hunt, Esq. added for Plaintiff Vilma Zomosa, Mother | |
| 11/01/2016 | Attorney appearance On this date William John Hunt, Esq. added for Plaintiff Daniela Zomosa, Sister | |
| 11/01/2016 | Attorney appearance On this date William John Hunt, Esq. added for Plaintiff Jeff Doe, Father | |
| 11/01/2016 | Attorney appearance On this date William John Hunt, Esq. added for Plaintiff Judy Doe, Mother | |
| 11/02/2016 | Plaintiffs Joanne Minich, Mother, Daniela Zomosa, Sister, Daniela Zomosa, Sister, Judy Doe, Mother, Jeff Doe, Father's Motion for funds to cover the cost of taking and transcribing depositions | 42 |
| 11/02/2016 | Received from Defendant Murphy, Robert: Answer to Second amended complaint; & jury demand | 43 |
| 11/02/2016 | Received from Defendant Massachusetts Department of Correction: Answer to Second amended complaint; & jury demand | 44 |
| 11/02/2016 | Received from Defendant Spencer, Luis S.: Answer to Second amended complaint;& jury demand | 45 |
| 11/02/2016 | Event Result: The following event: Litigation Control Conference scheduled for 11/02/2016 02:00 PM has been resulted as follows: Result: Held as Scheduled | |
| 11/07/2016 | Endorsement on Motion to (#41.0): ALLOWED enlarge time without opposition Notice sent 11/8/16 | |
| 11/08/2016 | Plaintiff Joanne Minich, Mother's Motion for funds to cover the costs of taking and transcribing depositions Allowed But no depositions may be taken until after the next status conference on January 18, 2017 Notice sent 11/8/16 | 46 |
| 01/18/2017 | Event Result: The following event: Conference to Review Status scheduled for 01/18/2017 02:00 PM has been resulted as follows: Result: Held as Scheduled | |
| 01/25/2017 | ORDER: SCHEDULING ORDER (entered 1/18/17) notices mailed 1/25/17 | 47 |
| 07/12/2017 | The following form was generated: Notice to Appear for Final Pre-Trial Conference Sent On: 07/12/2017 10:07:41 | |
| 07/12/2017 | The following form was generated: Notice to Appear for Final Pre-Trial Conference Sent On: 07/12/2017 10:08:37 | |
| 01/31/2018 | Attorney appearance On this date Adam R LaGrassa, Esq. dismissed/withdrawn as Private Counsel for Defendant Massachusetts Department of Correction | |
| 01/31/2018 | Attorney appearance On this date Adam R LaGrassa, Esq. dismissed/withdrawn as Private Counsel for Defendant Luis S. Spencer | |
| 01/31/2018 | Attorney appearance On this date Adam R LaGrassa, Esq. dismissed/withdrawn as Private Counsel for Defendant Robert Murphy | |
| 03/05/2018 | Notice of attorney 's 's lien filed. filed by Kerstein Coren and Lichtenstein LLP Applies To: Minich, Mother, Joanne (Plaintiff); Zomosa, Mother, Vilma (Plaintiff); Zomosa, Sister, Daniela (Plaintiff); Doe, Father, Jeff (Plaintiff); Doe, Mother, Judy (Plaintiff) | 48 |

| <u>Docket Date</u> | <i>Docket Text</i> | <u>File Ref Nbr.</u> |
|--------------------|--|----------------------|
| 07/09/2018 | <p>Plaintiffs Joanne Minich, Mother's Joint Motion to extend tracking order deadlines - Allowed. This is a lengthy extension in an elderly case, which the parties should either resolve or move forward, however. Dated: July 3, 2018 Notice sent 7/6/18</p> <p>Judge: Wilson, Hon. Paul D Applies To: Minich, Mother, Joanne (Plaintiff); Zomosa, Mother, Vilma (Plaintiff); Zomosa, Sister, Daniela (Plaintiff); Doe, Father, Jeff (Plaintiff); Doe, Mother, Judy (Plaintiff); Spencer, Luis S. (Defendant); Murphy, Robert (Defendant); Massachusetts partnership for Correctional Healthcare (Defendant)</p> | 49 |
| 03/28/2019 | <p>The following form was generated:</p> <p>Notice to Appear for Final Pre-Trial Conference Sent On: 03/28/2019 11:23:47</p> | |
| 07/31/2019 | <p>Attorney appearance On this date William John Hunt, Esq. dismissed/withdrawn for Plaintiff Joanne Minich, Mother</p> | |
| 07/31/2019 | <p>Attorney appearance On this date William John Hunt, Esq. dismissed/withdrawn for Plaintiff Vilma Zomosa, Mother</p> | |
| 07/31/2019 | <p>Attorney appearance On this date William John Hunt, Esq. dismissed/withdrawn for Plaintiff Daniela Zomosa, Sister</p> | |
| 07/31/2019 | <p>Attorney appearance On this date William John Hunt, Esq. dismissed/withdrawn for Plaintiff Jeff Doe, Father</p> | |
| 07/31/2019 | <p>Attorney appearance On this date William John Hunt, Esq. dismissed/withdrawn for Plaintiff Judy Doe, Mother</p> | |