

**1580CV00112 Cotton Tree Service, Inc et al vs. Westhampton Planning Board As member of Mark Schwallie et al**

Case Type	Real Property	Case Status	Open	File Date	06/10/2015
DCM Track:	F - Fast Track	Status Date:	06/10/2015	Case Judge:	
Initiating Action:	Zoning Appeal, G.L. c. 40A				
Next Event:					

All Information	Party	Event	Tickler	Docket	Disposition
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**Docket Information**

Docket Date	Docket Text	File Ref Nbr.
06/10/2015	Original civil complaint filed.	1
06/10/2015	Civil action cover sheet filed.	2
06/10/2015	Case assigned to: DCM Track FST was added on 06/10/2015 with the following milestones: Service Due 09/08/2015 Answer Due 10/08/2015 Rule 12/19/20 Served By Due 10/08/2015 Rule 12/19/20 Filed By Due 11/09/2015 Rule 12/19/20 Heard By Due 12/07/2015 Rule 15 Served By Due 10/08/2015 Rule 15 Filed By Due 11/09/2015 Rule 15 Heard By Due 12/07/2015 Discovery Due 04/05/2016 Rule 56 Served By Due 05/05/2016 Rule 56 Filed By Due 06/06/2016 Final Pre-Trial Conference Due 10/03/2016 Judgment Due 06/09/2017	
06/22/2015	Certificate of service of attorney or Pro Se: Patrick J Melnik, Esq.	3
07/03/2015	Service Returned for Defendant Cotton, Town Clerk, Patricia: Service made in hand:	4
07/13/2015	Received from Defendant Westhampton Planning Board As member of Mark Schwallie, Thomas Hathaway, Robert Dragon, Jr., and Robert Turner, The Planning Board and Patricia Cotton, Town Clerk: Answer to original complaint;	5
06/22/2016	Plaintiff(s) Cotton Tree Service, Inc motion filed to compel Discovery	6
06/22/2016	Cotton Tree Service, Inc's Memorandum in support of motion for an order compelling discovery	6.1

Docket Date	Docket Text	File Ref Nbr.
06/22/2016	Opposition to to plaintiffs motion for order compelling discovery filed by	6.2
06/22/2016	Affidavit of compliance with Superior Court Rule 9C	6.3
06/22/2016	Applies To: Melnik, Esq., Patrick J (Attorney) on behalf of Cotton Tree Service, Inc (Plaintiff)	
06/22/2016	Affidavit of compliance with Superior Court Rule 9A, Superior Court Rule 9C	6.4
06/22/2016	Applies To: Melnik, Esq., Patrick J (Attorney) on behalf of Cotton Tree Service, Inc (Plaintiff)	
06/22/2016	Rule 9A list of documents filed.	6.5
06/22/2016	Applies To: Melnik, Esq., Patrick J (Attorney) on behalf of Cotton Tree Service, Inc (Plaintiff)	
06/22/2016	Rule 9A notice of filing	6.6
06/24/2016	Endorsement on motion to compel Discovery (#6.0): Other action taken Please schedule for hearing on a date convenient to the parties and court.	
08/17/2016	Matter taken under advisement The following event: Motion Hearing to Compel scheduled for 08/17/2016 02:00 PM has been resulted as follows: Result: Held - Under advisement	
08/18/2016	Endorsement on motion to compel Discovery (#6.0): Other action taken After hearing and consideration of the plaintiffs' motion and memorandum, as well as the defendants' opposition, the plaintiffs' motion is ALLOWED IN PART. The four members of the Planning Board shall each individually respond to plaintiffs' Interrogatories numbered #1, #4 & #5. The balance of the motion is DENIED.	
09/26/2016	Plaintiff Cotton Tree Service, Inc's Joint Motion to continue / reschedule an event 10/06/2016 02:00 PM Final Pre-Trial Conference	9
09/26/2016	Event Result: The following event: Final Pre-Trial Conference scheduled for 10/06/2016 02:00 PM has been resulted as follows: Result: Rescheduled Reason: Joint request of parties	
09/26/2016	Endorsement on Motion to continue / reschedule an event (#9.0): pre-trial conference ALLOWED by agreement. Pre-trial conference rescheduled to Nov 3, 2016 @ 2:00 pm. No further notice to issue.	
11/01/2016	Joint Pre-Trial Memorandum filed:	10
11/01/2016	Event Result: The following event: Pre-Trial Conference scheduled for 11/03/2016 02:00 PM has been resulted as follows: Result: Rescheduled Reason: By Court prior to date	
11/30/2016	Event Result: The following event: Final Pre-Trial Conference scheduled for 11/30/2016 02:00 PM has been resulted as follows: Result: Held as Scheduled	
11/30/2016	Pre-Trial ORDER:  Trial without jury, 1-3 days. March 2017 session	11

Docket Date	Docket Text	File Ref Mbr.
01/27/2017	Copy mailed to counsel of record. Plaintiff Cotton Tree Service, Inc's Motion for summary judgment, MRCP 56 Partial Summary Judgment on Issue of Constructive Grant of Special Permit for failure to file a timely appeal under Gl. c. 40a sec. 17.	12
01/27/2017	Cotton Tree Service, Inc's Memorandum in support of plaintiffs motion for summary judgment	12.1
01/27/2017	Plaintiff Cotton Tree Service, Inc's Joint Statement of material facts pursuant to Rule 9A(B)(5)	12.2
01/27/2017	Opposition to of Plaintiffs' motion for summary judgment filed by	12.3
01/27/2017	List of exhibits	12.4
01/27/2017	Joint appendis of exhibits for motion for summary judgment	12.5
01/27/2017	Rule 9A notice of filing	12.5
01/27/2017	Applies To: Melnik, Esq., Patrick J (Attorney) on behalf of Maple Grove Farm, LLC (Plaintiff)	12.6
01/27/2017	Affidavit of compliance with Superior Court Rule 9A	12.6
01/27/2017	Applies To: Melnik, Esq., Patrick J (Attorney) on behalf of Cotton Tree Service, Inc (Plaintiff)	12.7
01/27/2017	Rule 9A list of documents filed.	12.7
02/17/2017	Event Result: The following event: Rule 56 Hearing scheduled for 02/27/2017 02:00 PM has been resulted as follows: Result: Rescheduled Reason: By Court prior to date	12.7
02/24/2017	Plaintiff Cotton Tree Service, Inc's Motion to continue / reschedule an event 03/06/2017 09:00 AM Trial Ready	13
03/02/2017	Matter taken under advisement The following event: Rule 56 Hearing scheduled for 03/02/2017 02:00 PM has been resulted as follows: Result: Held - Under advisement	13
03/06/2017	Endorsement on Motion for summary judgment, MRCP 56 (#12.0): partial on issue of constructive grant of special permit for failure to file a timely appeal DENIED See Order on back of page	13
03/06/2017	Endorsement on Motion to continue / reschedule an event trial (#13.0): I have ruled on plaintiffs' motion for summary judgment this date, and it is denied. This motion is DENIED	13
03/06/2017	Event Result: The following event: Trial Ready scheduled for 03/06/2017 09:00 AM has been resulted as follows: Result: Rescheduled Reason: Joint request of parties	14
03/07/2017	Plaintiffs Cotton Tree Service, Inc, Dodge Maple Grove Farm, LLC's Motion for a view	14

Docket Date	Docket Text	File Ref Nbr.
03/07/2017	Plaintiffs Cotton Tree Service, Inc, Dodge Maple Grove Farm, LLC's Motion in limine to allow the introduction of the special permit application, decision, and minutes of the meeting for the issuance of a special permit for a sawmill granted to Richard Tracey	15
03/07/2017	Plaintiffs Cotton Tree Service, Inc, Dodge Maple Grove Farm, LLC's Motion in limine to preclude the testimony of certain witnesses listed by the defendants on joint pre-trial memorandum.	16
03/07/2017	Plaintiffs Cotton Tree Service, Inc, Dodge Maple Grove Farm, LLC's Motion to request the court to accept certain findings made by the planning board in its decision as determinative findings	17
03/10/2017	Plaintiff Cotton Tree Service, Inc's Motion in limine to limit the evidentiary purpose of minutes of planning board hearings.	18
03/13/2017	Cotton Tree Service, Inc's MOTION for reconsideration of Court Order dated 03/06/2017 re: paper #13.0. to continue March 2017 list to April 2017 list	19
03/13/2017	Endorsement on Motion to continue / reschedule an event (#19.0): March trial list to April list ALLOWED by fax on 3/8/2017	
04/03/2017	Agreement for Judgment:	20