

**United States District Court
District of Massachusetts (Springfield)
CIVIL DOCKET FOR CASE #: 3:18-cv-30039-MGM**

Bradley v. Cicero et al
Assigned to: Judge Mark G. Mastroianni
Cause: 42:1983 Civil Rights Act

Date Filed: 03/15/2018
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Daniel Bradley

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V.

Defendant

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ADR Provider**Kenneth P. Neiman***TERMINATED: 04/29/2019*

Date Filed	#	Docket Text
03/15/2018	<u>1</u>	COMPLAINT against All Defendants Filing fee: \$ 400, receipt number 0101-7051211 (Fee Status: Filing Fee paid), filed by Daniel Bradley. (Attachments: # <u>1</u> Civil Cover sheet, # <u>2</u> Civil Category Form)(Slepchuk, Peter) (Entered: 03/15/2018)
03/16/2018	<u>2</u>	ELECTRONIC NOTICE of Case Assignment. Judge Mark G. Mastroianni assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Katherine A. Robertson. (Lindsay, Maurice) (Entered: 03/16/2018)
03/16/2018	<u>3</u>	Summons Issued as to Christian Cicero, Joseph Dunn, Daniel Moynahan. Counsel receiving this notice electronically should download this summons, complete one for each defendant and serve it in accordance with Fed.R.Civ.P. 4 and LR 4.1. Summons will be mailed to plaintiff(s) not receiving notice electronically for completion of service. (Lindsay, Maurice) (Entered: 03/16/2018)
03/28/2018	<u>4</u>	WAIVER OF SERVICE Returned Executed by Christian Cicero. Christian Cicero waiver sent on 3/22/2018, answer due 5/21/2018. (Sheehan, Kathleen) (Entered: 03/28/2018)
03/28/2018	<u>5</u>	WAIVER OF SERVICE Returned Executed by Joseph Dunn. Joseph Dunn waiver sent on 3/22/2018, answer due 5/21/2018. (Sheehan, Kathleen) (Entered: 03/28/2018)
03/28/2018	<u>6</u>	WAIVER OF SERVICE Returned Executed by Daniel Moynahan. Daniel Moynahan waiver sent on 3/22/2018, answer due 5/21/2018. (Sheehan, Kathleen) (Entered: 03/28/2018)
04/04/2018	<u>7</u>	NOTICE of Appearance by Lisa C. deSousa on behalf of Daniel Moynahan (deSousa, Lisa) (Entered: 04/04/2018)
04/04/2018	<u>8</u>	CERTIFICATION pursuant to Local Rule 16.1 . (deSousa, Lisa) (Entered: 04/04/2018)
04/04/2018	<u>9</u>	NOTICE of Appearance by Kathleen E. Sheehan on behalf of Joseph Dunn (Sheehan, Kathleen) (Entered: 04/04/2018)
04/04/2018	<u>10</u>	CERTIFICATION pursuant to Local Rule 16.1 . (Sheehan, Kathleen) (Entered: 04/04/2018)
04/18/2018	<u>11</u>	ANSWER to <u>1</u> Complaint with Jury Demand by Joseph Dunn.(Sheehan, Kathleen) (Entered: 04/18/2018)
04/18/2018	<u>12</u>	ANSWER to <u>1</u> Complaint with Jury Demand by Daniel Moynahan.(deSousa, Lisa) (Entered: 04/18/2018)
04/19/2018	<u>13</u>	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered REFERRING CASE to Magistrate Judge Katherine A. Robertson. Referred for: Full Pretrial, No Dispositive Motions (ptn). (Bartlett, Timothy) (Entered: 04/19/2018)
05/21/2018	<u>14</u>	NOTICE of Scheduling Conference ISSUED: A Scheduling Conference is set for 6/25/2018 at 2:45 PM in Hampshire Courtroom before Magistrate Judge Katherine A. Robertson. Joint Statement due by 6/18/2018 . See attached Notice for complete details. (Calderon, Melissa) (Entered: 05/21/2018)
05/21/2018	<u>15</u>	NOTICE of Appearance by Kevin B. Coyle on behalf of Christian Cicero (Coyle, Kevin)

		(Entered: 05/21/2018)
05/21/2018	16	ANSWER to 1 Complaint with Jury Demand by Christian Cicero.(Coyle, Kevin) (Entered: 05/21/2018)
06/04/2018	17	JOINT STATEMENT re scheduling conference . (Slepchuk, Peter) (Entered: 06/04/2018)
06/25/2018	18	Electronic Clerk's Notes for proceedings held before Magistrate Judge Katherine A. Robertson: Scheduling Conference held on 6/25/2018. Attorneys Present: Peter A. Slepchuk, Kevin B. Coyle, Kathleen E. Sheehan and Lisa C. deSousa. Colloquy re: status of the case. Counsel were reminded that pursuant to the Local Rules, the issue of consent/declination needs to be addressed. The parties were given two weeks, or not later than 7/10/2018 , to file the appropriate form. A schedule was established. Scheduling order to issue. If the parties would like to participate in court-sponsored mediation, a joint notice requesting an ADR conference should be filed. (Court Reporter: Digital Recording. To order a copy of this Digital Recording, please go to http://www.mad.uscourts.gov/attorneys/Magistrate-Audio.htm . For a transcript of this proceeding, contact Deborah Scalfani by email at deborah_scalfani@mad.uscourts.gov .) (Calderon, Melissa) (Entered: 06/26/2018)
06/26/2018	19	Refusal to Consent to Proceed Before a US Magistrate Judge. . (Slepchuk, Peter) (Entered: 06/26/2018)
06/26/2018	20	Magistrate Judge Katherine A. Robertson: ORDER entered. SCHEDULING ORDER: Motions for Leave to Amend the Pleadings to add parties, claims, or defenses due by 8/1/2018. Non-Expert Discovery to be completed by 1/3/2019. Case Management Conference set for 1/8/2019 02:30 PM in Hampshire Courtroom before Magistrate Judge Katherine A. Robertson., Expert Depositions to be completed by 3/29/2019. Dispositive Motions due by 5/10/2019. Responses due by 6/7/2019. Replies, if any, due by 6/26/2019. (Finn, Mary) (Entered: 06/26/2018)
06/26/2018	21	Set/Reset Hearings: Case Management Conference set for 1/8/2019 02:30 PM in Hampshire Courtroom before Magistrate Judge Katherine A. Robertson. (Finn, Mary) (Entered: 06/26/2018)
09/19/2018	22	NOTICE of Appearance by Jeremy Saint Laurent on behalf of Joseph Dunn, Daniel Moynahan (Saint Laurent, Jeremy) (Entered: 09/19/2018)
12/20/2018	23	MOTION for Extension of Time to 2/3/19 to Complete Discovery by Daniel Bradley. (Slepchuk, Peter) (Entered: 12/20/2018)
12/26/2018	24	Magistrate Judge Katherine A. Robertson: ELECTRONIC ORDER entered granting the Plaintiff's Assented to 23 Motion for Extension of Time to Complete Discovery. Non-Expert Discovery extended to 2/15/2019 for the purpose of taking the Depositions of three Fact Witnesses. The Case Management Conference is continued to 2/19/2019 at 2:00 p.m. All other deadlines remain as set in the June 26, 2018 Scheduling Order. (Finn, Mary) (Entered: 12/26/2018)
12/26/2018	25	Set/Reset Deadlines: Non-Expert Discovery to be completed by 2/15/2019. Case Management Conference re set to 2/19/2019 02:00 PM in Hampshire Courtroom before Magistrate Judge Katherine A. Robertson. (Finn, Mary) (Entered: 12/26/2018)
02/14/2019	26	NOTICE of Withdrawal of Appearance by Kathleen E. Sheehan (Sheehan, Kathleen) (Entered: 02/14/2019)
02/19/2019	27	Assented to MOTION to Compel <i>Deposition Testimony</i> by Christian Cicero, Joseph Dunn, Daniel Moynahan. (Attachments: # 1 Exhibit Subp. and Notices, # 2 Exhibit Depo Trans.)(Saint Laurent, Jeremy) (Entered: 02/19/2019)

02/19/2019	28	Electronic Clerk's Notes for proceedings held before Magistrate Judge Katherine A. Robertson: Case Management Conference held on 2/19/2019. Attorneys Present: Peter A. Slepchuk, Kevin B. Coyle and Jeremy Saint Laurent. Colloquy re: status of the case. Defendants' Assented to Motion to Compel Deposition Testimony shall be filed by no later than 2/22/2019 . The parties expressed interest in court-sponsored mediation, specifically with Magistrate Judge Kenneth P. Neiman. The clerk shall reach out to Judge Neiman to verify his availability. Once confirmed, an order referring the matter to mediation shall issue. An Initial Pretrial Conference is set for 5/29/2019 at 2:00 PM in Franklin Courtroom before Judge Mark G. Mastroianni. (Court Reporter: Digital Recording. To order a copy of this Digital Recording, please go to http://www.mad.uscourts.gov/attorneys/Magistrate-Audio.htm . For a transcript of this proceeding, contact Deborah Scalfani by email at deborah_scalfani@mad.uscourts.gov .) (Calderon, Melissa) (Entered: 02/19/2019)
02/22/2019	29	ORDER REFERRING CASE to Alternative Dispute Resolution. Referred to: Magistrate Judge Kenneth P. Neiman. (Calderon, Melissa) (Entered: 02/22/2019)
03/06/2019	30	ELECTRONIC NOTICE of ADR Conference: Alternative Dispute Resolution Hearing set for 4/25/2019 at 10:00 AM in Hampden Courtroom before Magistrate Judge Kenneth P. Neiman. (Figueroa, Tamara) (Entered: 03/06/2019)
03/06/2019	31	Magistrate Judge Kenneth P. Neiman: ORDER entered. Order with Respect to Mediation re 30 Notice of ADR Conference. Memos due no later than 4/18/19. See Order for Details. (Figueroa, Tamara) (Entered: 03/06/2019)
03/07/2019	32	Assented to MOTION to Continue mediation by Daniel Bradley. (Attachments: # 1 Affidavit)(Slepchuk, Peter) (Entered: 03/07/2019)
03/11/2019	33	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting 32 Motion to Continue Mediation to April 29th, 2019 at 10:00 AM with Memos due no later than April 23rd, 2019. (Figueroa, Tamara) (Entered: 03/11/2019)
03/11/2019	34	ELECTRONIC NOTICE OF RESCHEDULING: Alternative Dispute Resolution Hearing set for 4/25/19 has been rescheduled to 4/29/2019 , at 10:00 AM in Hampden Courtroom before Magistrate Judge Kenneth P. Neiman. (Figueroa, Tamara) (Entered: 03/11/2019)
04/16/2019	35	Magistrate Judge Katherine A. Robertson: ORDER entered. ORDER on Defendants' Assented-to 27 MOTION to Compel Deposition Testimony. The defendants shall have to May 24, 2019 to complete the depositions of Deashevana Robinson, Savon Tucker, and Barbara Murphy. The amount of time to complete each of these depositions is restricted to a total of three hours of direct examination by the parties jointly, exclusive of breaks. Orders requiring these non-party witnesses to appear for deposition are attached hereto as Exhibits A, B and C, and will be docketed separately. The parties' right to take these depositions is subject to the limitations that questioning not be conducted "in bad faith or in a manner that unreasonably annoys, embarrasses, or oppresses the deponent," Fed. R. Civ. P. 30(d)(1)(3)(A), and that they avoid imposing undue burdens or expense on these non-parties. <i>See</i> Fed. R. Civ. P. 45(d). It is likely that these unrepresented witnesses lack an appreciation of their obligations (and their rights) in their position as non-party deponents. (<i>See</i> attached Order for complete details.) (Attachments: # 1 Exhibit A, # 2 Exhibit B and # 3 Exhibit C) (Calderon, Melissa) (Entered: 04/16/2019)
04/16/2019	36	Magistrate Judge Katherine A. Robertson: ORDER entered. ORDER re Order (Dkt. No. 35) on Defendants' Assented-to 27 MOTION to Compel Deposition Testimony as to Deashevana Robinson. <i>See</i> attached Order for complete details. (Calderon, Melissa) (Entered: 04/16/2019)

04/16/2019	37	Magistrate Judge Katherine A. Robertson: ORDER entered. ORDER re Order (Dkt. No. 35) on Defendants' Assented-to 27 MOTION to Compel Deposition Testimony as to Savon Tucker. <i>See</i> attached Order for complete details. (Calderon, Melissa) (Entered: 04/16/2019)
04/16/2019	38	Magistrate Judge Katherine A. Robertson: ORDER entered. ORDER re Order (Dkt. No. 35) on Defendants' Assented-to 27 MOTION to Compel Deposition Testimony as to Barbara Murphy. <i>See</i> attached Order for complete details. (Calderon, Melissa) (Entered: 04/16/2019)
04/26/2019	39	NOTICE of Appearance by Peter P. Slepchuk, Jr on behalf of Daniel Bradley (Slepchuk, Peter) (Entered: 04/26/2019)
04/29/2019	41	REPORT of Alternative Dispute Resolution Provider. (Figueroa, Tamara) (Entered: 05/02/2019)
05/28/2019	42	MOTION for Extension of Time to 7/23/2019 to Disclose Expert Witness by Christian Cicero, Joseph Dunn, Daniel Moynahan.(deSousa, Lisa) (Entered: 05/28/2019)
05/29/2019	43	ELECTRONIC NOTICE OF RESCHEDULING **CHANGE TO COURTROOM LOCATION ONLY** Initial Pretrial Conference set for 5/29/2019 at 2:00 PM in Hampden Courtroom before Judge Mark G. Mastroianni. (Bartlett, Timothy) (Entered: 05/29/2019)
05/29/2019	44	Judge Mark G. Mastroianni: AMENDED SCHEDULING ORDER entered as follows: Defendants shall designate expert witnesses and serve expert reports pursuant to Fed. R. Civ. P. 26(a)(2) by July 15, 2019, A final pretrial conference will be held on November 18, 2019 at 11:00 a.m. in Franklin Courtroom before Judge Mark G. Mastroianni, and Trial will begin on December 9, 2019. The parties anticipate the trial will last 5 days. See the attached scheduling order for more dates and complete details. (Lindsay, Maurice) (Entered: 05/29/2019)
05/29/2019	46	Electronic Clerk's Notes for proceedings held before Judge Mark G. Mastroianni: Initial Pretrial Conference held on 5/29/2019. Present: Atty Peter A. Slepchuk for pltf, Attys deSousa, Saint Laurent for defts. Court has colloquy with counsel re scheduling. Order to issue (see Dkt. No. 44). (Court Reporter: Alice Moran at alice.moran@verizon.net.) (Bartlett, Timothy) Modified to correct hearing type on 5/31/2019 (Bartlett, Timothy). (Entered: 05/31/2019)
05/30/2019	45	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered ALLOWING IN PART and DENYING IN PART 42 Defendants' Motion for Extension of Time to Disclose Expert Witness. Per the Amended Scheduling Order (Dkt. No. 44), Defendants' deadline to disclose expert witnesses and serve expert reports is extended to July 15, 2019. (Lindsay, Maurice) (Entered: 05/30/2019)
07/10/2019	47	Case no longer referred to Magistrate Judge Katherine A. Robertson. (Rivera, Melissa) (Entered: 07/10/2019)
09/03/2019	48	Judge Mark G. Mastroianni: PRETRIAL PROCEDURAL ORDER entered as follows: TheFinal Pretrial Conference is set for 11/18/2019 at 11:00 AM in Franklin Courtroom, and Trial is scheduled to commence on December 9, 2019 at 9:00 a.m. in Franklin Courtroom before Judge Mark G. Mastroianni. See the attached pretrial procedural order for complete details. (Lindsay, Maurice) (Entered: 09/03/2019)
10/03/2019	49	MOTION for Leave to File <i>Certain Motions In Limine Under Seal</i> by Daniel Bradley. (Slepchuk, Peter) (Entered: 10/03/2019)
10/04/2019	50	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered ALLOWING 49 Plaintiff's Assented-To Motion for Leave to File <i>Certain Motions in Limine Under Seal</i> . The

		<p>Pretrial Procedural Order (Dkt. No. 48) requires each party to file its motions in limine together in a single document with a cover page and table of contents. Each motion in limine shall be numbered.</p> <p>Plaintiff may file two such documents: one containing his motions in limine that will be publicly available, and a second that will be filed under seal and will contain the three motions and accompanying exhibits discussed in his motion for leave to file under seal. The motions in limine in the sealed document shall be numbered "Plaintiff's Motion in Limine 1," "Plaintiff's Motion in Limine 2," and "Plaintiff's Motion in Limine 3." Plaintiff's motions in limine filed on the public docket shall be numbered "Plaintiff's Motion in Limine 4," "Plaintiff's Motion in Limine 5," etc. (Rivera, Christina) (Entered: 10/04/2019)</p>
10/17/2019	51	NOTICE of Appearance by Cary L. Szafranski on behalf of Joseph Dunn (Szafranski, Cary) (Entered: 10/17/2019)
10/18/2019	53	MOTION in Limine by Daniel Bradley. (Attachments: # 1 SJC Best Practices ForJury Selection)(Slepchuk, Peter) (Entered: 10/18/2019)
10/21/2019	54	MOTION in Limine by Christian Cicero, Joseph Dunn, Daniel Moynahan.(Saint Laurent, Jeremy) (Entered: 10/21/2019)
11/04/2019	55	Opposition re 53 MOTION in Limine filed by Christian Cicero, Joseph Dunn, Daniel Moynahan. (Saint Laurent, Jeremy) (Entered: 11/04/2019)
11/07/2019	58	ELECTRONIC NOTICE Canceling Hearing. The December 9, 2019, Jury Trial is hereby CONTINUED. All other dates and deadlines remain in effect. The Court will discuss dates for rescheduling trial in 2020 at the November 18, 2019, Pretrial Conference. (Bartlett, Timothy) (Entered: 11/07/2019)
11/08/2019	59	Proposed Jury Instructions by Christian Cicero, Joseph Dunn, Daniel Moynahan. (Saint Laurent, Jeremy) (Entered: 11/08/2019)
11/08/2019	60	Proposed Voir Dire by All Defendants. (Saint Laurent, Jeremy) (Entered: 11/08/2019)
11/08/2019	61	Proposed Jury Instructions by Daniel Bradley. (Slepchuk, Peter) (Entered: 11/08/2019)
11/08/2019	62	Proposed Jury Questions by Daniel Bradley . (Slepchuk, Peter) (Entered: 11/08/2019)
11/08/2019	63	Proposed Jury Verdict by Daniel Bradley. (Slepchuk, Peter) (Entered: 11/08/2019)
11/08/2019	64	Proposed Jury Verdict by All Defendants. (Saint Laurent, Jeremy) (Entered: 11/08/2019)
11/08/2019	65	PRETRIAL MEMORANDUM by Daniel Bradley. (Slepchuk, Peter) (Entered: 11/08/2019)
11/16/2019	66	NOTICE of Appearance by Robert A. Schmidt on behalf of Daniel Moynahan (Schmidt, Robert) (Entered: 11/16/2019)
11/18/2019	68	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered ruling on 53 Plaintiff's Motions in Limine and 54 Defendants' Motions in Limine, for the reasons discussed on the record during the hearing. The court is ALLOWING IN PART and DENYING IN PART Plaintiff's Motion in Limine No. 5 to exclude evidence of Plaintiff's past criminal convictions. The court is ALLOWING Plaintiff's request to exclude his 12/13/05, 10/20/09, and 1/4/10 convictions. With respect to the 9/22/17 conviction, Plaintiff's request is ALLOWED only with respect to resisting arrest and is otherwise DENIED. The court is ALLOWING Plaintiff's Motion in Limine No. 6 to exclude evidence of Plaintiff's open criminal cases and periods of incarceration prior to and subsequent to August 26, 2015 through September 25, 2015 and Plaintiff's Motion No. 7 for sequestration of Defendants' witnesses. The court is ALLOWING Plaintiff's Motion No.

		<p>8 for attorney-conducted panel voir dire. Counsel for Plaintiff and Defendants are to discuss the logistics of the panel voir dire with the Clerk's Office.</p> <p>The court is ALLOWING Defendants' Motion in Limine No. 1 to exclude Defendants' Motion in Limine to Exclude IIU History of the Defendant Officers and Defendants' Motion in Limine No. 2 to exclude Defendant Christian Cicero's prior indictments.</p> <p>The court GRANTS leave to Plaintiff to supplement his proposed voir dire questions in light of the court's rulings on the motions in limine. The court GRANTS leave to Plaintiff to file late a motion in limine addressing the issue of judicial admission by Defendants. Plaintiff shall file the motion within 10 days, and Defendants shall have 10 days to respond. (Lindsay, Maurice) (Entered: 11/18/2019)</p>
11/18/2019	76	Electronic Clerk's Notes for proceedings held before Judge Mark G. Mastroianni: Counsel appear for Final Pretrial Conference held on 11/18/2019. Arguments re: outstanding motions. Trial date set. Court will use the jury selection process currently used by the state court as it relates to the voir dire process of potential jurors. (Court Reporter: Alice Moran alice.moran@verizon.net.)(Attorneys present: Slepchuk, Slepchuk, Szafranski, Coyle, Saint Laurent) (entered late due to clerical error)(Healy, Bethaney) (Entered: 12/31/2019)
11/21/2019	69	MOTION in Limine <i>To Bind Defendants To Judicial Admissions Made By Defense Counsel And To Exclude Contrary Evidence</i> by Daniel Bradley.(Slepchuk, Peter) (Entered: 11/21/2019)
11/25/2019	70	Exhibit List by Daniel Bradley.. (Slepchuk, Peter) (Entered: 11/25/2019)
11/25/2019	71	Supplemental Proposed Jury Questions by Daniel Bradley . (Slepchuk, Peter) (Entered: 11/25/2019)
11/26/2019	72	Opposition re 69 MOTION in Limine <i>To Bind Defendants To Judicial Admissions Made By Defense Counsel And To Exclude Contrary Evidence</i> filed by Christian Cicero, Joseph Dunn, Daniel Moynahan. (Saint Laurent, Jeremy) (Entered: 11/26/2019)
12/02/2019	73	Exhibit List by All Defendants.. (Saint Laurent, Jeremy) (Entered: 12/02/2019)
12/03/2019	74	MOTION for Leave to File <i>Reply</i> by Daniel Bradley. (Attachments: # 1 Proposed Reply) (Slepchuk, Peter) (Entered: 12/03/2019)
12/03/2019	75	MOTION to Continue Trial to a date in February by Daniel Moynahan.(Schmidt, Robert) (Entered: 12/03/2019)
12/31/2019	77	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered granting 75 Motion to Continue Trial. ALLOWED . The Jury Trial is set for 2/10/2020 at 9:00 AM in Hampden Courtroom before Judge Mark G. Mastroianni. (Healy, Bethaney) (Entered: 12/31/2019)
01/28/2020	78	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered ALLOWING 74 Plaintiff's Motion for Leave to File Reply and DENYING 69 Plaintiff's Motion in Limine to Bind Defendants to Judicial Admissions Made by Defense Counsel and to Exclude Contrary Evidence. The possible judicial admission at issue is that Defendants asked Plaintiff to produce his identification and returned to their cruiser to check the identification provided. Defendants included the statement as factual background in their various motion in limine briefs. Plaintiff asks the court to hold that Defendants are bound to this statement by judicial admission. Because Plaintiff is already well aware that Defendants testified contrary to the supposed judicial admission in the underlying criminal trial (Dkt. No. 72, at 2), and because Defendants represent that the supposed judicial admission was "an inadvertent misstatement" in the motion in limine papers (Dkt. No. 72, at 1), the court denies Plaintiff's motion. <i>See U.S. v. Belculfine</i> , 527 F.2d 941, 944 (1st Cir. 1975)

		("Unlike ordinary admissions, which are admissible but can be rebutted by other evidence, judicial admissions are conclusive on the party making them. Because of their binding consequences, judicial admissions generally arise only from deliberate voluntary waivers that expressly concede for the purposes of trial the truth of an alleged fact.... As we have noted, the policy of encouraging judicial admissions is served by giving trial judges broad discretion in these matters, and here we see no basis for concluding that the district court abused its discretion."). (Lindsay, Maurice) (Entered: 01/28/2020)
01/29/2020	79	ELECTRONIC NOTICE of Hearing ISSUED. Jury Selection shall be held on 2/11/2020 at 9:00 AM in Hampden Courtroom before Judge Mark G. Mastroianni. Jury Trial (openings and evidence) shall begin on 2/18/2020 at 9:00 AM in Hampden Courtroom before Judge Mark G. Mastroianni. (Healy, Bethaney) (Entered: 01/29/2020)
01/31/2020	80	Assented to MOTION to Take Deposition from Mr. Eli Silverman by Christian Cicero, Joseph Dunn, Daniel Moynahan.(Saint Laurent, Jeremy) (Entered: 01/31/2020)
02/06/2020	81	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered granting 80 Assented to MOTION to Take Deposition from Mr. Eli Silverman. ALLOWED. (Lindsay, Maurice) (Entered: 02/06/2020)
02/07/2020	82	Supplemental Proposed Jury Questions by Daniel Bradley . (Slepchuk, Peter) (Entered: 02/07/2020)
02/10/2020	83	Objection to 82 Proposed Jury Questions by Christian Cicero, Joseph Dunn, Daniel Moynahan . (Saint Laurent, Jeremy) (Entered: 02/10/2020)
02/11/2020	84	MOTION in Limine <i>To Introduce Prior Sworn Testimony Of Unavailable Witnesses</i> by Daniel Bradley.(Slepchuk, Peter) (Entered: 02/11/2020)
02/11/2020	85	MEMORANDUM in Support re 84 MOTION in Limine <i>To Introduce Prior Sworn Testimony Of Unavailable Witnesses</i> filed by Daniel Bradley. (Attachments: # 1 Exhibit "A", vol. 1 of trial transcript, # 2 Exhibit "B", vol. 2 of trial transcript, # 3 Exhibit "C", return of service - Robinson, # 4 Exhibit "D", return of service - Tucker, # 5 Exhibit "E", affidavit of counsel)(Slepchuk, Peter) (Entered: 02/11/2020)
02/11/2020	86	Electronic Clerk's Notes for proceedings held before Judge Mark G. Mastroianni: Counsel appear for Jury Selection held on 2/11/2020. Attorney Saint Laurent addresses issue related to video deposition. Deposition is set for 2/12/2020. Parties will submit by close of business on Friday, February 14, 2020 any memoranda re: objections/arguments as well as a copy of the transcript from the deposition. Counsel shall file the documents in ECF as well as provide a copy by email to the court's law clerk. Court anticipates it will rule on the matter by 2/17/2020. Jury selection held. Jury sworn in and remainder of jury pool is dismissed. Jurors instructed to report for jury duty on Tuesday, February 18, 2020, at 8:45 a.m. Jury trial to commence with preliminary instructions and openings at 9:00 a.m. on February 18, 2020. (Court Reporter: Alice Moran alice.moran@verizon.net.) (Attorneys present: Slepchuk, Slepchuk, Coyle, Schmidt, Szafranski, Saint Laurant) (Healy, Bethaney) (Entered: 02/12/2020)
02/14/2020	87	Opposition re 84 MOTION in Limine <i>To Introduce Prior Sworn Testimony Of Unavailable Witnesses</i> filed by Christian Cicero, Joseph Dunn, Daniel Moynahan. (Saint Laurent, Jeremy) (Entered: 02/14/2020)
02/14/2020	88	MEMORANDUM OF LAW by Daniel Bradley. (Attachments: # 1 Transcript of deposition testimony of Eli Silverman)(Slepchuk, Peter) (Entered: 02/14/2020)
02/14/2020	89	MOTION Defendants' Objections to Portions of the Deposition of Dr. Eli Silverman by Christian Cicero, Joseph Dunn, Daniel Moynahan.(Saint Laurent, Jeremy) (Entered: 02/14/2020)

02/18/2020	90	<p>Judge Mark G. Mastroianni: ELECTRONIC ORDER entered granting 84] Plaintiff's Motion in Limine to Introduce Prior Sworn Testimony of Unavailable Witnesses. First, the court finds that Ms. Robinson and Ms. Tucker, who previously testified at the Plaintiff's criminal trial in Commonwealth v. Daniel Bradley, Docket No. 1523CR5954, are unavailable to testify at the trial of this case. The court finds they are unavailable based on the representation of good-faith effort and inability by Attorney Slepchuk to effectuate in-hand service for February 18, 2020, the fact that previous in-hand service was made for a trial date that was later moved by the court and the witnesses' failure to appear, and the fact that Attorney Slepchuk spoke with one of the witnesses, Ms. Tucker, who told him that she would not appear. <i>See</i> Slepchuk Aff. 214, 1718, Dkt. No. 85-5. The court also notes in support of the witnesses' unavailability that, in February 2019, Defendants had to move to compel the deposition testimony of Ms. Robinson and Ms. Tucker, which the court granted, and the deposition of these witnesses never occurred. <i>See</i> Slepchuk Aff. 1516, Dkt. No. 85-5; M.J. Robertson Order, Dkt. No. 35.</p> <p>Next, the court finds that there is "sufficient identity of issues to ensure that cross examination in the former case was directed to the issues presently relevant," namely, the issues of the occurrence of a traffic violation and the aggressiveness and/or behavior of Plaintiff and Defendants. <i>Kam-O'Donoghue v. Tully</i>, No. 16-11054-MLW, 2019 WL 4273686, at *3 n.2 (D. Mass. Sept. 10, 2019). In this case, the Commonwealth had the same motive and interest in developing the facts underlying those issues such that the Commonwealth was Defendants' predecessor-in-interest for purposes of Federal Rule of Evidence 804(b)(1). <i>See id.</i></p> <p>Accordingly, the court will allow Plaintiff to introduce the prior sworn testimony of Ms. Robinson and Ms. Tucker, under Rule 804(b)(1). The court will entertain an instruction to the jury that these witnesses have willfully evaded appearing in court to give live testimony in spite of several attempts to have them served with a subpoena. (Lindsay, Maurice) (Entered: 02/18/2020)</p>
02/18/2020	91	Judge Mark G. Mastroianni: ORDER ENTERED Permitting Cellular Phone retention by Jurors. (Copy provided to USMS this date.)(Healy, Bethaney) (Entered: 02/18/2020)
02/18/2020	92	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered ALLOWING-IN-PART and DENYING-IN-PART 89 Defendants' Objections from Dr. Eli Silvermans Video Deposition. Defendants' objections are overruled except for their third objection, which objects to the testimony at page 54 line 9 through page 54 line 18 as misrepresentative. The court is sustaining that objection, and that portion of Dr. Silverman's testimony must be redacted. (Lindsay, Maurice) (Entered: 02/18/2020)
02/18/2020	98	Electronic Clerk's Notes for proceedings held before Judge Mark G. Mastroianni: Counsel and parties appear for Jury Trial Day 2 held on 2/18/2020. Preliminary instructions given to jury. Openings heard. Plaintiff's evidence begins with testimony from Daniel Bradley. Witness sworn, testimony heard. Exhibits 1-7 marked and admitted. Witness testimony read into record for Daeshavana Robinson and Savon Tucker. (Both witnesses failed to appear for trial.) Plaintiff rests. Sidebar conference held. Defendants move for motion for judgment as a matter of law. Motion granted as to Counts 5, 6, and 7. Defendant's case commences with testimony from Christian Cicero. Witness sworn, testimony heard. Testimony from Joseph Dunn. Witness sworn, testimony heard. Testimony concludes at 4:00 p.m. Conference with counsel. Court adjourned for the day, to commence on February 19, 2020, at 9:00 a.m. (Court Reporter: Alice Moran alice.moran@verizon.net)(Attorneys present: Slepchuk, Slepchuk, Coyle, Saint Laurant, Schmidt, Szafranski) (Healy, Bethaney) Modified on 2/20/2020 (Healy, Bethaney). (Entered: 02/20/2020)
02/19/2020	93	Supplemental Proposed Jury Instructions by All Defendants. (Saint Laurent, Jeremy)

		(Entered: 02/19/2020)
02/19/2020	94	Set/Reset Hearings: Jury Trial set for 2/19/2020 09:00 AM in Hampden Courtroom before Judge Mark G. Mastroianni. Jury Trial set for 2/20/2020 09:00 AM in Hampden Courtroom before Judge Mark G. Mastroianni. (Healy, Bethaney) (Entered: 02/19/2020)
02/19/2020	95	MOTION Defendants' Motion for a Mistrial or in the Alternative Additional Limiting and Curative Instructions Addressing Plaintiff's Closing Arguments by Christian Cicero, Joseph Dunn, Daniel Moynahan.(Saint Laurent, Jeremy) (Entered: 02/19/2020)
02/19/2020	99	Electronic Clerk's Notes for proceedings held before Judge Mark G. Mastroianni: Counsel and parties appear for Jury Trial Day Three held on 2/19/2020. Defendant's case continues with testimony from Daniel Moynahan. Witness sworn, testimony heard. Video deposition of Dr. Eli Silverman presented in court. Defendants rest. Plaintiff recalls Daniel Bradley. Both sides rest. Jury excused for lunch. Plaintiff moves for directed verdict. Motion denied. Defendants move orally for motion for judgment as a matter of law. Motion allowed as to all counts as to Defendant Cicero, with the exception to those portions of Counts 1 and 2 as to traffic stop only. Closings heard. Sidebar conference re: Defendants' objections to three subjects raised in Plaintiff's closings. Arguments heard. Jury excused for the day. Court and counsel meet to discuss outstanding motions and jury instructions. Court adjourned for the day to recommence at 9:00 a.m. with counsel on February 20, 2020. Jury shall report at 9:30 a.m. (Court Reporter: Alice Moran alice.moran@verizon.net)(Attorneys present: Slepchuk, Slepchuk, Coyle, Saint Laurant, Schmidt, Szafranski) (Healy, Bethaney) (Entered: 02/20/2020)
02/20/2020	96	Opposition re 95 MOTION Defendants' Motion for a Mistrial or in the Alternative Additional Limiting and Curative Instructions Addressing Plaintiff's Closing Arguments filed by Daniel Bradley. (Slepchuk, Peter) (Entered: 02/20/2020)
02/20/2020	97	Set/Reset Hearings: Jury Trial set for 2/20/2020 09:00 AM in Hampden Courtroom before Judge Mark G. Mastroianni. (Rivera, Christina) (Entered: 02/20/2020)
02/20/2020	100	MOTION for Judgment as a Matter of Law by Daniel Bradley.(Slepchuk, Peter) (Entered: 02/20/2020)
02/20/2020	101	MEMORANDUM in Support re 100 MOTION for Judgment as a Matter of Law filed by Daniel Bradley. (Slepchuk, Peter) (Entered: 02/20/2020)
02/20/2020	106	Electronic Clerk's Notes for proceedings held before Judge Mark G. Mastroianni: Jury Trial held on 2/20/2020. (Court Reporter: Alice Moran alice.moran@verizon.net .) (Attorneys present: Slepchuk, Slepchuk, Coyle, Szafranski, Saint Laurent,) (Healy, Bethaney) (Entered: 03/07/2020)
02/20/2020	108	Jury Instructions. (Rivera, Christina) (Entered: 03/11/2020)
02/21/2020	107	Electronic Clerk's Notes for proceedings held before Judge Mark G. Mastroianni: Counsel and parties appear for Jury Trial Day Five on 2/21/2020.Jury deliberations continue. Jury verdict returned at 1:40 p.m. Verdict read into record. (Court Reporter: Linda Walsh at lwalshsteno@gmail.com)(Attorneys present: Slepchuk, Slepchuk, Coyle, Saint Laurent, Szafranski) (Healy, Bethaney) (Entered: 03/07/2020)
03/06/2020	102	Transcript of Jury Trial - Day Four (Jury Verdict) held on February 21, 2020, before Judge Mark G. Mastroianni. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Linda Walsh at lwalshsteno@gmail.com Redaction Request due 3/27/2020. Redacted Transcript Deadline set for 4/6/2020. Release of Transcript Restriction set for 6/4/2020. (Scalfani, Deborah) (Entered: 03/06/2020)

03/06/2020	103	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at http://www.mad.uscourts.gov/attorneys/general-info.htm (Scalfani, Deborah) (Entered: 03/06/2020)
03/06/2020	104	MOTION for Attorney Fees , <i>Costs, Expenses, and Prejudgment Interest</i> by Daniel Bradley.(Slepchuk, Peter) (Entered: 03/06/2020)
03/06/2020	105	MEMORANDUM in Support re 104 MOTION for Attorney Fees , <i>Costs, Expenses, and Prejudgment Interest</i> filed by Daniel Bradley. (Attachments: # 1 Demand letter dated 5/22/18, # 2 E-mail dated 5/29/19, # 3 Affidavit of Peter Slepchuk Jr., # 4 Affidavit of Peter Alexander Slepchuk, # 5 Affidavit of David Hoose, # 6 Itemized times sheets, # 7 itemized costs and expenses)(Slepchuk, Peter) (Entered: 03/06/2020)
03/11/2020	109	Supplemental MOTION for Bill of Costs by Daniel Bradley. (Attachments: # 1 invoice, # 2 affidavit of counsel)(Slepchuk, Peter) (Entered: 03/11/2020)
03/16/2020	110	Transcript of Jury Trial Day Four held on February 20, 2020, before Judge Mark G. Mastroianni. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Kristin Kelley at kmob929@gmail.com Redaction Request due 4/6/2020. Redacted Transcript Deadline set for 4/16/2020. Release of Transcript Restriction set for 6/15/2020. (Scalfani, Deborah) (Entered: 03/16/2020)
03/16/2020	111	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at http://www.mad.uscourts.gov/attorneys/general-info.htm (Scalfani, Deborah) (Entered: 03/16/2020)
03/20/2020	112	Opposition re 104 MOTION for Attorney Fees , <i>Costs, Expenses, and Prejudgment Interest</i> filed by Christian Cicero, Joseph Dunn, Daniel Moynahan. (Szafranski, Cary) (Entered: 03/20/2020)
03/20/2020	113	MEMORANDUM in Support re 104 MOTION for Attorney Fees , <i>Costs, Expenses, and Prejudgment Interest</i> filed by Christian Cicero, Joseph Dunn, Daniel Moynahan. (Szafranski, Cary) (Entered: 03/20/2020)
03/23/2020	114	Redacted Transcript of Jury Trial Day One (Redacted Jury Selection) held on February 11, 2020, before Judge Mark G. Mastroianni. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Alice Moran at alice.moran@verizon.net Redaction Request due 4/13/2020. Redacted Transcript Deadline set for 4/23/2020. Release of Transcript Restriction set for 6/22/2020. (Scalfani, Deborah) (Entered: 03/23/2020)
03/23/2020	115	SEALED Transcript of Jury Trial Day One (Jury Selection) held on February 11, 2020, before Judge Mark G. Mastroianni. Court Reporter Name and Contact Information: Alice Moran at alice.moran@verizon.net (Scalfani, Deborah) (Entered: 03/23/2020)
03/23/2020	116	Transcript of Jury Trial Day Two held on February 18, 2020, before Judge Mark G. Mastroianni. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Alice Moran at alice.moran@verizon.net Redaction Request due 4/13/2020. Redacted Transcript Deadline set for 4/23/2020. Release of Transcript Restriction set for 6/22/2020. (Scalfani, Deborah) (Entered: 03/23/2020)

03/23/2020	117	Transcript of Jury Trial Day Three held on February 19, 2020, before Judge Mark G. Mastroianni. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Alice Moran at alice.moran@verizon.net Redaction Request due 4/13/2020. Redacted Transcript Deadline set for 4/23/2020. Release of Transcript Restriction set for 6/22/2020. (Scalfani, Deborah) (Entered: 03/23/2020)
03/23/2020	118	Transcript of Jury Trial Day Four (Afternoon Session) held on February 20, 2020, before Judge Mark G. Mastroianni. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Alice Moran at alice.moran@verizon.net Redaction Request due 4/13/2020. Redacted Transcript Deadline set for 4/23/2020. Release of Transcript Restriction set for 6/22/2020. (Scalfani, Deborah) (Entered: 03/23/2020)
03/23/2020	119	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at http://www.mad.uscourts.gov/attorneys/general-info.htm (Scalfani, Deborah) (Entered: 03/23/2020)
10/30/2020	120	NOTICE of Withdrawal of Appearance by Cary L. Szafranski (Szafranski, Cary) (Entered: 10/30/2020)

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