

Commonwealth of Massachusetts

Middlesex, SS.

Supreme Judicial Court
No.

Appeals Court
No. 2022-P-0356

James Elmore
Plaintiff/Appellee

v.

Carolyn Elmore
Defendant/Appellant

Application For Direct Appellate Review

Pursuant to Rule 11(a) of the Massachusetts Rules of Appellate Procedure, Carolyn Elmore, the appellant in the above case, moves for leave to obtain direct appellate review of the subject matter. In support thereof, she states that the issue set forth below raises several unsettled question of law that should be addressed by this Court.

A. Statement Of Prior Proceedings

An amended judgment of divorce entered between the parties Carolyn and James Elmore on June 11, 2015. The instant appeal, which is currently pending in the Appeals Court, addresses James' complaint for modification, in which

he argued that both of the parties' children were emancipated, and Carolyn's answer and counterclaim, which contested the claim that the youngest child was emancipated and which sought a reduction in alimony based on a material change in circumstances. The court (Hon. Terri Klug Cafazzo) conducted a three day trial, with trial days on August 12 and 27 and October 27, 2021.

For purposes of this application, Carolyn will adopt the description of the procedural history set forth in the court's modification judgment, the relevant portions of which are as follows:

1. The Complaint for Modification was filed on May 6, 2021, by Plaintiff/Father and served on the Defendant/Mother on June 1, 2021.
2. The Defendant/Mother filed an Answer and Counterclaim on June 6, 2021.
3. In this modification action, Father requests the Court to modify the June 11, 2015, as of April 21, 2014, Amended Judgment of Divorce by reducing and or terminating Father's child support obligation.
4. In Mother's counterclaim she seeks to terminate or reduce her alimony obligation and terminate or reduce her life insurance obligation.
5. The Amended Divorce Judgment provides the following:

- a. The Mother's "normalized income" from her business, as established by the Father's business expert, (under the 2015 Amended Divorce Judgment) is \$350,000 annually.
- b. The Court imputed \$27,000 annual income (\$520.00 per week) to the Father, who was unemployed.
- c. The Mother was ordered to pay the Father \$2,049.81 weekly alimony.
- d. The Father was ordered to pay \$347.00 weekly to the Mother for child support for two unemancipated children.
- e. As a division of assets, the Mother was assigned her business valued at \$2.46 million by the Father's business expert based on the income capitalization method on her business profit, and the Mother was ordered to make a payment to the Father to equalize the assets in the amount of \$1,073,396.16 paid over a 10-year period, with 2% annual interest: and
- f. The Mother was ordered to maintain \$550,000 in life insurance for the benefit of the Father so long as she had an alimony obligation.

On February 4, 2022, the court issued its modification judgment (docketed on February 15, 2022). The court terminated James' child support obligations as to the parties' oldest child, reducing his total support obligations from \$347 weekly to \$74 weekly as of June 1, 2021 and ordered retroactive payment of \$9,555 for the overpayment. The court denied Carolyn's counterclaim, holding that she failed to meet her burden of showing a material change in

circumstances and that her alimony and insurance obligations should remain unchanged.

On February 23, 2022, Carolyn filed a motion for a new trial, together with a motion for leave to file the same. On March 15, 2022, the court denied both the motion for a new trial and the motion for leave to file the motion for a new trial. The court docketed both motions on March 24, 2022. Carolyn filed a timely notice of appeal on March 29, 2022.

The Appeals Court docketed the appeal on April 19, 2022. Carolyn filed her brief in the Appeals Court. James' brief is currently due on September 1, 2022.

B. Statement Of Facts

Carolyn does not agree with all of the trial court's factual findings. However, for purposes of this application, the findings by the court are as follows:

EMANCIPATION AND CHILD SUPPORT

6. The Court finds that Jasmine Elmore born September 26, 1997, was emancipated on September 26, 2020, and was undisputed at trial.
7. Father continued to pay child support in the amount of \$374.00 after the emancipation of Jasmine on September 9, 2020.

8. The Court finds Nekisha Elmore born February 12, 2001, is emancipated as of February 12, 2022, when she turns 21 years old.
9. Nekisha graduated from high school in 2019.
10. Nekisha is not enrolled in college.
11. Father testified credibly that he talks to Nekisha at least two times a week.
12. Father testified credibly that he learned from Nekisha that she was working full time at Tavern on the Square in Littleton, Massachusetts as a food runner.
13. Mother testified that Nekisha had been working at Tavern on the Square for one year as of August 27, 2021.
14. Father testified credibly that Nekisha left that job because she was not happy working there.
15. At the time of trial Nekisha was only working part time at a diner.
16. The Court finds Nekisha has the ability to work full time, has worked full time in the past but chooses to only work part time.
17. Father testified credibly that he knows of no medical condition, diagnosis, or mental impairments that would prevent Nekisha from working full time.
18. Mother did testify Nekisha was adopted by the parties and the biological mother had substance abuse and mental health issues and Nekisha was born with cocaine in her blood, however; nothing was offered as evidence to show that it impacts Nekisha today or prevents her from working full time.

19. Mother testified that Nekisha pays for her auto repairs, gas, clothing, some food, entertainment, and her vacations.
20. Mother further testified that she pays for Nekisha's cell phone, some food, and her car insurance.
21. Nekisha still resides with Mother.

ALIMONY

22. The Court finds Father's Financial Statement (Exhibit 2) filed with the Court on August 12, 2021, to be true and accurate.
23. The Court finds Mother's Financial Statement (Exhibit 3) filed with the Court on August 12, 2021, to be true and accurate.
24. Father's income as reflected on his Financial Statement is \$22,054.24 annually not including alimony. The Court finds Father's income is less than the imputed income of \$27,000.00 at the time of the Amended Judgment of Divorce.
25. The Court finds that Father is a real estate agent working 15 to 20 hours a week.
26. The Court finds that Father's 1099 (Exhibit 5) from Coldwell Banker accurately reflects the income he receives as a real estate agent.
27. The Court does not find that the Father's income from commissions for the sales of real estate as an agent should be greater than reflected on his 1099. Mother suggests that based on the values of the properties he markets on behalf of Coldwell Banker his commissions should be greater. The Court notes that the 1099 was compiled and produced by Coldwell Banker.

28. The Court finds that Father purchased two rental properties, one at 86 Corbett Street in Lowell and one at 255 North Road, Unit 146 in Chelmsford. These properties were purchased with the equalization payments Father receives as his share of the marital assets.
29. The Court finds Father's Financial Statement accurately reflects that he does not earn income from his rental properties.
30. The Court declines to disregard the depreciation Father took on his rental properties as reflected on his Financial Statement in the amount of \$11,916.84 and include that amount in Father's income.
31. The Court finds Father also purchased real estate at 25 Mission Road in Chelmsford in January 2019 for \$250,000.00.
32. Father put \$15,000.00 down on the property.
33. In August 2019, Father obtained a special permit to renovate 25 Mission Road.
34. The property was sold in 2020 for \$679,900.00.
35. Father testified that after costs of renovations he made approximately \$25,000.00.
36. Father's Financial Statement (Exhibit 2) states that his 2020 gross income was \$152,677.12 which he testified includes his alimony, self-employment income (commissions) and capital gain income. The Court finds that Father's alimony received in 2020 was \$106,590.12. If you deduct the alimony payments in the amount of \$106,590.12 from \$152,677.12 it equals \$46,087.50. If you deduct Father's income of \$22,054.24 as reflected on his Financial Statement from \$46,087.50 it equals \$24,033.26 which Father credibly testified, he had a one-time capital gain for that year of approximately \$25,000.00.

37. Father also owns 26 Highland Avenue, Chelmsford which he received as part of the division of marital assets pursuant to the divorce.
38. Father purchased a fourth property located at 17 Rockwood Lane in Lawrence, Massachusetts in July 2021 using his equalization payments from Mother.
39. Father testified he obtained a building permit to build on his Rockwood Lane, Lawrence property.
40. Father obtained a mortgage for 17 Rockwood Lane, Lawrence property, which mortgage had a rehabilitation rider for purposes of rehabilitating the property.
41. Father testified he intends to rehabilitate his Rockwood Lane, Lawrence property in accordance with the rehabilitation rider to the mortgage
42. Mr. Elmore purchased his Rockwood Lane, Lawrence property for \$300,000, and took a mortgage with a “rehabilitation rider” for around \$356,876.
43. Mother’s income as reflected on her Financial Statement (Exhibit 3) is \$935,054.12 annually. The Court finds Mother’s income is much greater than the income of \$350,000.00 used at the time of the Amended Judgment of Divorce to calculate alimony.
44. The Court finds that there was a disparity in the parties’ income at the time of the Amended Divorce Judgment.
45. The Court finds that there continues to be a disparity in the parties’ current income.
46. The Court does not find a material change in circumstances in Father’s income to warrant a reduction in alimony.

47. The Court finds that Mother continues to have the ability to pay alimony based on her income as reflected on her Financial Statement.
48. The Court finds that Father's expenses at the time of trial were \$2,727.50 a week as reflected on his Financial Statement (Exhibit 2) which includes mortgages and weekly expenses.
49. The Court finds at the time of the Amended Judgment of Divorce Father's weekly expenses were found by the Court to be \$2,126.41.
50. Father lists on page 8 of his August 6, 2021, Financial Statement: "Amex debt incurred in 2021 of \$1,500.00" and states "he is making weekly payments of \$528.00." The Court finds that paying down the Amex liability at the rate of \$528.00 a week, would result in the liability having been paid in its entirety within three weeks of August 6, 2021, which was shortly after the second day of trial. If the Court subtracts \$528.00 weekly from Father's weekly expenses, Father's weekly expenses would be \$2,199.50 which is approximately the same as his expenses at the time of the Amended Judgment of Divorce.
51. The Court further finds that if an additional adjustment in Father's expenses is made by deducting child support in the amount of \$347.00 per week, Father's weekly expenses would be \$1,852.50 per week which would only be a \$273.91 per week decrease in Father's expenses since the Amended Divorce Judgment.
52. The Court does not find \$273.91 a week decrease in expenses to be significant.
53. The Court does not find a material change in circumstances relative to Father's current need for alimony warranting a reduction or termination of alimony.

**C. Statement Of The Issues With Respect To Which
The Appellant Seeks Direct Appellate Review**

1. Whether the Probate and Family Court may properly deny a party access to the courts by requiring that she seek permission to file pleadings, motions and other filings, in the absence of a finding that either party engaged in improper or abusive litigation tactics. This issue was raised and properly preserved in the lower court.

2. Whether the Probate and Family Court can refuse to permit a party to engage in any discovery, submit exhibits, or call expert witnesses in the absence of any improper conduct or discovery abuse. This issue was raised and properly preserved in the lower court.

Argument

D. Direct Appellate Review Should Be Granted To Address Whether The Trial Court May Require The Parties To Seek Permission To File Pleadings, Motions And Other Filings, Absent A Finding That Either Party Engaged In Improper Litigation Tactics

Following a contentious divorce, the trial court entered judgment in 2015. Additional litigation followed, during which the court (Kaplan, J.) entered a September 20, 2016 temporary order providing that “[n]either party may file any further Motions or Complaints except as set forth below prior to Trial.” This litigation concluded on October 26, 2016 with the dismissal of all pending complaints and counterclaims. The temporary order should have dissolved at that point. *Gordon v. Pitner*, 83 Mass. App. Ct. 1124 (2013 Mass. App. Unpub. LEXIS 428 at 4) (2013) (“the entry of this judgment, without any explanation to the contrary, extinguished the temporary order”). But following the dismissal, the parties treated the temporary order as still in force, requesting permission to file various pleadings and motions, including James’ May 2021 complaint for modification. Carolyn argued that it dissolved upon the October 2016 dismissal. Over her repeated objections, the

court (Klug Cafazzo, J.) treated the temporary order as still in force, requiring her to request permission for any filings and repeatedly denying such permission. Notably, assuming the order remained in force after 2016, no finding appears on the record justifying its entry or continuing existence. The order itself references a hearing, and the docket reflects a pretrial conference and hearing on September 20, but no written finding addresses the need for this order.

In appropriate circumstances, a court may enter a limited-filing order restricting the ability of a party to file motions or pleadings without permission. *See Bishay v. Superior Court Department of the Trial Court*, 487 Mass. 1012, 1013 (2021); *Watson v. Walker*, 455 Mass. 1004, 1005 (2009). Such gatekeeper orders may be appropriate where a litigant has repeatedly submitted vexatious, frivolous, and harassing filings after being cautioned against doing so. *Id.* *See Brookline v. Goldstein*, 388 Mass. 443, 448-449 (1983). *See also Afrasiabi v. Commonwealth*, 477 Mass. 1001, 1002 (2017). But “[a]ccess to the courts should not be restricted unnecessarily.” *Id.* at 448. Meaningful access to the courts is a fundamental constitutional right. *United Transp. Union v.*

Michigan Bar, 401 U.S. 576, 585 (1971); *Id.* at 449. See *Committee for Public Counsel Services v. Barnstable County Sheriff's Office*, 488 Mass. 460, 481-482 (2021). Thus, prior to restricting the right to file, the judge must consider whether less restrictive methods would suffice. *Brookline v. Goldstein*, 388 Mass. at 449. No such analysis appears on the record, nor does the record suggest that either party engaged in vexatious litigation.

While the docket reflects a substantial number of entries, the issues in the case were complex and ongoing. The court apparently made no findings explaining the need for the 2016 order, nor did the current judge explain why an expired temporary order issued by a different judge should be treated as a permanent gatekeeper order.

As discussed below, the judge permitted Carolyn to file her counterclaim for modification, but used the temporary order to deny her any discovery, refused to allow her to file necessary documents, excluded all trial exhibits, refused to allow her to call experts, and then concluded that she had not met her burden of proof.

This case is one of first impression in this Commonwealth—whether a court can restrict a party’s right to file pleadings and motions absent a finding that the party engaged in abusive litigation tactics. The court’s misuse of this temporary order deprived Carolyn of her right to due process under the Fifth Amendment to the United States Constitution and Art. 10 of the Massachusetts Declaration of Rights. Direct appellate review is warranted.

E. Direct Appellate Review Is Also Warranted Where, Absent Any Improper Conduct Or Abuse, The Trial Court Refused To Permit Carolyn To Conduct Any Discovery, Submit Exhibits, Or Call Expert Witnesses

Regardless of whether the 2016 temporary order was still in force, the trial court erroneously precluded Carolyn from conducting any discovery, excluded critical testimony and exhibits, and ultimately ruled that she had failed to meet her burden on her counterclaim. After James filed his complaint, Carolyn sought discovery of his income, resources and assets based on its relevance to both child support and alimony. James opposed all discovery. Carolyn sought permission to file a motion to compel discovery, which the court denied. James moved to quash the subpoenas, which the court allowed. The case then proceeded to trial without any discovery. On the second day of trial, Carolyn filed an emergency motion to suspend the trial, reconsider the prior discovery orders, permit discovery, and call additional trial witnesses. The court denied permission to file that motion, notwithstanding provisions in the Probate Rules permitting discovery as of right or the constitutional right to discovery. The court also denied Carolyn's request to submit exhibits,

to mark those exhibits for the record, and to call three expert witnesses. Direct appellate review is warranted to address whether a court may refuse to permit a party to conduct any discovery, submit exhibits, or call expert witnesses absent misconduct or discovery abuse.

1. Discovery

Whether there had been a material change in circumstances based on an increase in James' income was certainly a viable issue. In the divorce judgment, the court imputed an annual income of \$27,000 to James, who was then unemployed. By 2021, he appeared to be a successful sales associate with Coldwell Banker—from May 2019 to May 2021, he sold homes totaling \$12.8 million. In May 2021, he had listings or co-listings with a combined asking price of \$7 million. He also bought, renovated and sold an investment property in 2019-2020, and he currently owns three rental properties. Yet he claimed that he earned a pittance from these endeavors.

Under Mass. R. Dom. Rel. P. 26(b)(1) “[p]arties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending

action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter.” Mass. R. Dom. Rel. P. 33 permits a party, as of right, to “serve upon any other party written interrogatories to be answered by the party served[.]” Mass. R. Dom. Rel. P. 34 permits a party, as of right, to request that another party produce documents or make them available for inspection.

These rules follow principles articulated by the United States Supreme Court and this Court that discovery is necessary to define and clarify the issues at trial, and that due process principles require that discovery be broad in scope. *See Hickman v. Taylor*, 329 U.S. 495, 501 (1947); *Cronin v. Strayer*, 392 Mass. 525, 534 (1984). *See Bailey v. KS Mgmt. Servs., L.L.C.*, 35 F.4th 397, ____ (5th Cir. 2022) (discovery required regardless of whether, in the trial court’s view, the requested discovery is unnecessary).

Judges faced with discovery abuse may issue protective orders or regulate the scope and timing of discovery. *Id.* at 535-536. *See Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 35 (1984); *Global Investors Agent Corp. v. National Fire Ins. Co. of Hartford*, 76 Mass. App. Ct. 812, 820 (2010). But here, the court cited no authority suggesting that a judge may dispense with discovery altogether, nor does the record establish that Carolyn engaged in discovery abuse under any definition of that term. *Contrast Commonwealth v. Jones*, 478 Mass. 65, 67-72 (2017). Her requests were neither oppressive or overly broad, *Cronin v. Strayer*, 392 Mass. at 535, nor would the record support any finding of fraud or willful bad faith. *See Gos v. Brownstein*, 403 Mass. 252, 257 (1988). *Contrast Hunter v. Rose*, 463 Mass. 488, 501 (2102). Even then, the typical sanction is to award attorney's fees to the party subjected to discovery abuse. *See Hunter v. Rose*, 463 Mass. at 502. No authority in Massachusetts supports the elimination of all discovery.

Discovery sanctions are subject to review under due process principles. *Gos v. Brownstein*, 403 Mass. at 257. While the trial court did not characterize its rulings as

sanctions, it nevertheless precluded all discovery, apparently based on a flawed narrative that Carolyn was over litigating the case.

The court repeatedly suggested that counsel could cross-examine James based on his financial statement, but such cross-examination would be ineffective where the court would have to take James' word on critical issues, with the only source of impeachment being self-serving documents that he had prepared. *See Commonwealth v. Molina*, 454 Mass. 232, 236 (2009) (discovery is necessary to allow party to make effective use of available evidence in cross-examination).

Finally, in addressing why discovery was not needed, the trial court treated disputed factual issues as undisputed, explaining that James only works part-time and that "he's not a seasoned real estate agent. We know that." Carolyn's counsel responded, "we don't know that." While he may have been unemployed at the time of the divorce, he was extremely active in the real estate business, both in terms of selling and flipping properties. Ultimately, the court found critical facts absent any evidence and based on assumptions

that are likely incorrect. *C.f. Augat, Inc. v. Aegis, Inc.*, 417 Mass. 484, 489 (1994).

2. Expert Witnesses

Carolyn sought to call two expert witnesses, Vocational Specialist Nancy Segreve and CPA Kevin Flaherty, explaining that Segreve would “opine on Mr. Elmore’s earning capacity as a real estate agent for purposes of income attribution”, and Flaherty would extrapolate his income based on the taxes he pays. Following James’ testimony, Carolyn sought to call a third expert, Stephen Stratford, a real estate agent with knowledge of the Lowell area real estate market. He would have rebutted James’ testimony that the real estate market was worse in 2021 than in 2019 and that he could only earn \$65.10 weekly selling real estate. The court excluded all three experts, explaining at one point, “I do not believe you need to over litigate this with experts”.

Without just cause, the court precluded Carolyn from offering critical expert testimony. While the decision to permit or exclude expert testimony is generally discretionary, *Palandjian v. Foster*, 446 Mass. 100, 104

(2006), as with the discovery issue, the denial of Carolyn's requests to call expert witnesses prevented her from contesting James' claim or presenting her counterclaim. *See Commonwealth v. Hinds*, 487 Mass. 212, 228 (2021) (exclusion of expert testimony prevented defendant from presenting his theory of the case). Further, "[t]here are circumstances . . . in which a party may present rebuttal evidence as a matter of right and in which the denial of that right would be an error of law. Such cases arise when a party seeks to present evidence to refute evidence of the other side." *Drake v. Goodman*, 386 Mass. 88, 92 (1982).

3. Exhibits

Carolyn offered into evidence multiple exhibits relating to James' real estate activities, which the court excluded and refused to mark for identification. The trial court repeated the mantra that the case was somehow being over litigated. However, these materials were highly relevant to the contested issue at trial—whether James had significant income or was earning pocket change from his work. "[T]he substantial rights of a party are adversely affected when relevant evidence is erroneously excluded that, viewing the

record in a commonsense way, could have made a material difference”. *DeJesus v. Yogel*, 404 Mass. 44, 48 (1989). *See G.E.B. v. S.R.W.*, 422 Mass. 158, 169 (1996). Here, unquestionably, the excluded exhibits might have made a substantial difference in the outcome of the case.

Carolyn can find no reported decision in Massachusetts permitting the complete denial of discovery or the type of systematic exclusion of all relevant evidence in the case. Direct appellate review is warranted in the circumstances.

F. Statement Of Reasons Why Direct Appellate Review Is Appropriate

As described in Section D, *supra*, the trial court improperly restricted the parties, particularly Carolyn, from filing documents critical to her response to James' complaint and to her legitimate counterclaim seeking modification of the alimony award. The trial court's use of that order denied Carolyn her constitutional right to access the courts. No precedent exists in this Commonwealth for requiring such a gatekeeper order absent a pattern of abusive filings, and the propriety of such an order should be addressed by this Court.

Further, as described in Section E, *supra*, the trial court denied all discovery, refused to accept any exhibits from Carolyn, refused to permit her to call expert witnesses necessary to prove her case, and then concluded that she had failed to prove her case. The Probate Rules permit parties to conduct discovery as of right. She was also entitled under both the United States and Massachusetts constitutions to discovery, to offer exhibits, and to present expert witnesses as needed. In the absence of misconduct or some sort of discovery abuse, the trial court had no lawful basis for entering such orders. While the extent of the restrictions in

this case may have been extreme, similar restrictions are not uncommon in the Probate and Family Court. Direct appellate review is necessary to address the propriety of such orders.

Respectfully submitted,
Carolyn Elmore,

By her attorney,

A handwritten signature in blue ink, appearing to read 'Dana Curhan', with a stylized flourish extending to the right.

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Application For Direct Appellate Review

Table of Contents

1.	Docket Entries	26
2.	Further Temporary Order dated 9-20-16	59
3.	Judgment/Decree on Complaint for Modification entered on 2-04-22 (#659)	61

MI12D0926DR Elmore, Carolyn S. vs. Elmore, James

- Case Type:
- Domestic Relations
- Case Status:
- Closed
- File Date
- 03/07/2012
- DCM Track:
-
- Initiating Action:
- Divorce 1B
- Status Date:
- 06/23/2015
- Case Judge:
- Klug-Cafazzo, Hon. Terri L.
- Next Event:
-
-

Property Information

All Information	Party	Subsequent Action/Subject	Event	Docket	Disposition
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- Plaintiff

- DOD
-

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[More Party Information](#)**Subsequent Action/Subject**

<u>Description</u>	<u>Status</u>	<u>SA/Subject #</u>	<u>Pleading Party</u>	<u>Responding Party</u>	<u>Status Date</u>
S/A - Complaint for Contempt	Closed	1	Elmore, James	Elmore, Carolyn S.	04/21/2015
S/A - Complaint for Contempt	Closed	2	Elmore, James	Elmore, Carolyn S.	04/21/2015
S/A - Complaint for Contempt	Closed	3	Elmore, Carolyn S.	Elmore, James	04/21/2015
S/A - Complaint for Contempt	Closed	4	Elmore, James	Elmore, Carolyn S.	04/21/2015
S/A - Complaint for Contempt	Closed	5	Elmore, Carolyn S.	Elmore, James	04/21/2015
S/A - Complaint for Contempt	Closed	6	Elmore, Carolyn S.	Elmore, James	04/21/2015
S/A - Complaint for Contempt	Closed	7	Elmore, Carolyn S.	Elmore, James	10/08/2015
Modification CSP	Closed	8	Elmore, James	Elmore, Carolyn S.	06/10/2019
S/A - Complaint for Contempt	Closed	9	Elmore, Carolyn S.	Elmore, James	10/26/2016
S/A - Complaint for Contempt	Closed	10	Elmore, Carolyn S.	Elmore, James	10/26/2016
S/A - Complaint for Contempt	Closed	11	Elmore, James	Elmore, Carolyn S.	06/14/2017
S/A - Complaint for Contempt	Closed	12	Elmore, James	Elmore, Carolyn S.	07/28/2017
Modification CSP	Closed	13	Elmore, Carolyn S.	Elmore, James	06/21/2019
S/A - Complaint for Contempt	Closed	14	Elmore, Carolyn S.	Elmore, James	11/30/2017
S/A - Complaint for Contempt	Closed	15	Elmore, Carolyn S.	Elmore, James	11/30/2017
S/A - Complaint for Contempt	Closed	16	Elmore, Carolyn S.	Elmore, James	06/21/2019
S/A - Complaint for Contempt	Closed	17	Elmore, Carolyn S.	Elmore, James	06/21/2019
S/A - Complaint for Contempt	Closed	18	Elmore, James	Elmore, Carolyn S.	06/21/2019
Modification CSP	Closed	19	Elmore, James	Elmore, Carolyn S.	02/15/2022

Events

<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
03/07/2012 02:45 PM	Judge Gibson Session	Courtroom 1	Motion	Gibson, Hon. Dorothy M	Event Held
03/12/2012 02:00 PM	Judge Gibson Session	Courtroom 1	Motion	Gibson, Hon. Dorothy M	Event Held
03/15/2012 08:30 AM	Judge Gibson Session	Courtroom 1	Motion	Gibson, Hon. Dorothy M	Event Held
04/11/2012 08:30 AM	Judge Gibson Session	Courtroom 1	Motion	Gibson, Hon. Dorothy M	Event Held
06/20/2012 08:30 AM	Judge Gibson Session	Courtroom 1	Motion	Gibson, Hon. Dorothy M	Event Held
09/20/2012 11:00 AM	Judge Gibson Session	Courtroom 1	Pretrial Conference Domestic and Equity	Gibson, Hon. Dorothy M	Event not held: Continued by parties agreement
10/03/2012 08:30 AM	Judge Gibson Session	Courtroom 1	Motion	Gibson, Hon. Dorothy M	Event Held

<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
11/08/2012 08:30 AM	Judge Gibson Session	Courtroom 1	Summons Issued, Contempt Returnable	Gibson, Hon. Dorothy M	Event not held: Continued by parties agreement
11/28/2012 08:30 AM	Judge Gibson Session	Courtroom 1	Motion	Gibson, Hon. Dorothy M	Event Held
11/28/2012 08:30 AM	Judge Gibson Session	Courtroom 1	Motion	Gibson, Hon. Dorothy M	Event Held
12/06/2012 08:30 AM	Judge Gibson Session	Courtroom 1	Contempt Continued	Gibson, Hon. Dorothy M	Event Held
01/17/2013 09:00 AM	Judge Gibson Session	Courtroom 1	Pretrial Continued	Gibson, Hon. Dorothy M	Event not held: Continued by parties agreement
01/30/2013 08:30 AM	Judge Gibson Session	Courtroom 1	Motion	Gibson, Hon. Dorothy M	Event Not Held - Party did not Appear
02/27/2013 08:30 AM	Judge Gibson Session	Courtroom 1	Motion	Gibson, Hon. Dorothy M	Event Not Held - Party did not Appear
03/13/2013 08:30 AM	Judge Gibson Session	Courtroom 1	Motion	Gibson, Hon. Dorothy M	Event Held
03/21/2013 08:30 AM	Judge Gibson Session	Courtroom 1	Summons Issued, Contempt Returnable	Gibson, Hon. Dorothy M	Event Not Held - Party did not Appear
04/04/2013 09:00 AM	Judge Gibson Session	Courtroom 1	Pretrial Continued	Gibson, Hon. Dorothy M	Event not held: Continued by parties agreement
05/02/2013 08:30 AM	Judge Gibson Session	Courtroom 1	Summons Issued, Contempt Returnable	Gibson, Hon. Dorothy M	Event not held: Continued by order of Court
05/15/2013 08:30 AM	Judge Gibson Session	Courtroom 1	Motion	Gibson, Hon. Dorothy M	Taken Off List
05/15/2013 08:30 AM	Judge Gibson Session	Courtroom 1	Motion	Gibson, Hon. Dorothy M	Taken Off List
06/06/2013 08:30 AM	Judge Gibson Session	Courtroom 1	Contempt Continued	Gibson, Hon. Dorothy M	Event Held
06/06/2013 08:30 AM	Judge Gibson Session	Courtroom 1	Motion	Gibson, Hon. Dorothy M	Event Held
06/06/2013 09:00 AM	Judge Gibson Session	Courtroom 1	Pretrial Continued	Gibson, Hon. Dorothy M	Event Held
08/08/2013 02:00 PM	Judge Gibson Session	Courtroom 1	Motion	Gibson, Hon. Dorothy M	Event Held
08/13/2013 02:00 PM	Judge Gibson Session	Courtroom 1	Summons Issued, Contempt Returnable	Gibson, Hon. Dorothy M	Event Held
08/13/2013 02:00 PM	Judge Gibson Session	Courtroom 1	Summons Issued, Contempt Returnable	Gibson, Hon. Dorothy M	Event Held
10/30/2013 08:30 AM	Judge Gibson Session	Courtroom 1	Motion	Gibson, Hon. Dorothy M	Event Held
11/04/2013 08:45 AM	Judge Gibson Session	Courtroom 1	Motion	Gibson, Hon. Dorothy M	Event Held
11/06/2013 08:30 AM	Judge Gibson Session	Courtroom 1	Motion	Gibson, Hon. Dorothy M	Taken Off List
11/12/2013 08:30 AM	Judge Gibson Session	Courtroom 1	Motion	Gibson, Hon. Dorothy M	Event Held
11/12/2013 08:30 AM	Judge Gibson Session	Courtroom 1	Motion	Gibson, Hon. Dorothy M	Event Held
01/02/2014 08:45 AM	Judge Gibson Session	Courtroom 1	Summons Issued, Contempt Returnable	Gibson, Hon. Dorothy M	Event not held: Continued by parties agreement
01/27/2014 08:45 AM	Judge Gibson Session	Courtroom 1	Motion	Gibson, Hon. Dorothy M	Event Held

<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
02/05/2014 08:30 AM	Judge Gibson Session	Courtroom 1	Motion	Gibson, Hon. Dorothy M	Taken Off List
02/11/2014 08:30 AM	Judge Gibson Session	Courtroom 1	Motion	Gibson, Hon. Dorothy M	Event Held
02/12/2014 08:30 AM	Judge Gibson Session	Courtroom 1	Motion	Gibson, Hon. Dorothy M	Event not held: Continued by order of Court
03/10/2014 08:30 AM	Judge Gibson Session	Courtroom 1	Motion	Gibson, Hon. Dorothy M	Event Held
03/26/2014 08:30 AM	Judge Gibson Session	Courtroom 1	Status Conference	Gibson, Hon. Dorothy M	Event Held
04/04/2014 08:30 AM	Judge Gibson Session	Courtroom 1	Contempt Continued	Gibson, Hon. Dorothy M	Event Held
04/04/2014 09:30 AM	Judge Gibson Session	Courtroom 1	Trial 1 Day	Gibson, Hon. Dorothy M	Event Held
04/07/2014 08:30 AM	Judge Gibson Session	Courtroom 1	Contempt Continued	Gibson, Hon. Dorothy M	Event Held
04/07/2014 09:30 AM	Judge Gibson Session	Courtroom 1	Trial 1 Day	Gibson, Hon. Dorothy M	Event Held
04/08/2014 09:30 AM	Judge Gibson Session	Courtroom 1	Trial 1 Day	Gibson, Hon. Dorothy M	Event Held
04/10/2014 09:30 AM	Judge Gibson Session	Courtroom 1	Trial 1 Day	Gibson, Hon. Dorothy M	Event not held: Continued by order of Court
04/11/2014 09:00 AM	Judge Gibson Session	Courtroom 1	Trial 1 Day	Gibson, Hon. Dorothy M	Event Held
06/09/2014 09:00 AM	Judge Gibson Session	Courtroom 1	Trial 1 Day	Gibson, Hon. Dorothy M	Event Held
06/10/2014 09:00 AM	Judge Gibson Session	Courtroom 1	Trial 1 Day	Gibson, Hon. Dorothy M	Event Held
06/16/2014 09:00 AM	Judge Gibson Session	Courtroom 1	Trial 1 Day	Gibson, Hon. Dorothy M	Event not held: Continued by order of Court
06/17/2014 09:00 AM	Judge Gibson Session	Courtroom 1	Trial 1 Day	Gibson, Hon. Dorothy M	Event not held: Continued by order of Court
06/23/2014 09:00 AM	Judge Gibson Session	Courtroom 1	Trial 1 Day	Gibson, Hon. Dorothy M	Taken Off List
07/18/2014 02:45 PM	Judge Kagan Session	Courtroom 4	Motion	Kagan, Hon. Spencer M	Event Held
07/21/2014 02:00 PM	Judge Gibson Session	Courtroom 1	Motion	Gibson, Hon. Dorothy M	Event Held
07/28/2014 09:00 AM	Judge Gibson Session	Courtroom 1	Trial 1 Day	Gibson, Hon. Dorothy M	Under Advisement
08/06/2014 08:45 AM	Judge Gibson Session	Courtroom 1	Motion	Gibson, Hon. Dorothy M	Event Held
08/22/2014 09:00 AM	Judge Gibson Session	Courtroom 1	Trial 1 Day	Gibson, Hon. Dorothy M	Event Held
09/29/2014 09:00 AM	Judge Gibson Session	Courtroom 1	Trial 1 Day	Gibson, Hon. Dorothy M	Event Held
09/30/2014 09:00 AM	Judge Gibson Session	Courtroom 1	Trial 1 Day	Gibson, Hon. Dorothy M	Event Held
10/06/2014 09:00 AM	Judge Gibson Session	Courtroom 1	Trial 1 Day	Gibson, Hon. Dorothy M	Event Held
10/07/2014 09:00 AM	Judge Gibson Session	Courtroom 1	Trial 1 Day	Gibson, Hon. Dorothy M	Event Held
10/20/2014 09:00 AM	Judge Gibson Session	Courtroom 1	Trial 1 Day	Gibson, Hon. Dorothy M	Event Held
10/21/2014 09:00 AM	Judge Gibson Session	Courtroom 1	Trial 1 Day	Gibson, Hon. Dorothy M	Event Held
11/06/2014 03:10 PM	Judge Gibson Session	Courtroom 1	Motion	Gibson, Hon. Dorothy M	Event Held

<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
11/13/2014 02:00 PM	Judge Gibson Session	Courtroom 1	Trial 2 Hours	Gibson, Hon. Dorothy M	Event not held: Continued by order of Court
11/17/2014 10:00 AM	Judge Gibson Session	Courtroom 1	Trial 1 Day	Gibson, Hon. Dorothy M	Event Held
01/28/2015 08:30 AM	Judge Gibson Session	Courtroom 1	Summons Issued, Contempt Returnable	Gibson, Hon. Dorothy M	Dismissed by agreement of parties
02/11/2015 02:00 PM	Judge Gibson Session	Courtroom 1	Motion	Gibson, Hon. Dorothy M	Event not held: Continued by parties agreement
02/12/2015 02:00 PM	Judge Gibson Session	Courtroom 1	Motion	Gibson, Hon. Dorothy M	Under Advisement
02/27/2015 09:15 AM	Judge Gibson Session	Courtroom 1	Motion	Gibson, Hon. Dorothy M	Event Held
03/04/2015 08:30 AM	Judge Gibson Session	Courtroom 1	Motion	Gibson, Hon. Dorothy M	Taken Off List
03/04/2015 08:30 AM	Judge Gibson Session	Courtroom 1	Motion	Gibson, Hon. Dorothy M	Taken Off List
03/04/2015 02:00 PM	Judge Gibson Session	Courtroom 1	Motion	Gibson, Hon. Dorothy M	Event Held
03/12/2015 02:00 PM	Judge Gibson Session	Courtroom 1	Review Hearing	Gibson, Hon. Dorothy M	Event Held
03/25/2015 02:00 PM	Judge Gibson Session	Courtroom 1	Motion	Gibson, Hon. Dorothy M	Event Held
08/10/2015 08:30 AM	Judge Christopher Session	Courtroom 4	Motion	Christopher, Hon. Megan H	Event Held
09/28/2015 08:30 AM	Judge Christopher Session	Courtroom 4	Summons Issued, Contempt Returnable	Christopher, Hon. Megan H	Taken Off List
09/28/2015 08:30 AM	Judge Christopher Session	Courtroom 4	Summons Issued, Contempt Returnable	Christopher, Hon. Megan H	Event Held
02/29/2016 08:30 AM	Judge Christopher Session	Courtroom 4	Motion	Christopher, Hon. Megan H	Case Not Heard and Rescheduled
02/29/2016 08:30 AM	Judge Kaplan Session	Courtroom 8	Motion	Kaplan, Hon. Randy J	Event Held
06/22/2016 12:00 PM	Judge Kaplan Session	Courtroom 8	Pretrial Conference Domestic and Equity	Kaplan, Hon. Randy J	Event not held: Continued by parties agreement
06/24/2016 02:30 PM	Judge Kaplan Session	Courtroom 8	Motion	Kaplan, Hon. Randy J	Event Held
06/27/2016 08:30 AM	Judge Kaplan Session	Courtroom 8	Summons Issued, Contempt Returnable	Kaplan, Hon. Randy J	Taken Off List
06/27/2016 02:00 PM	Judge Kaplan Session	Courtroom 8	Summons Issued, Contempt Returnable	Kaplan, Hon. Randy J	Event not held: Continued by order of Court
07/11/2016 11:00 AM	Judge Kaplan Session	Courtroom 8	Motion	Kaplan, Hon. Randy J	Taken Off List
08/01/2016 02:45 PM	Judge Kaplan Session	Courtroom 8	Motion	Kaplan, Hon. Randy J	Event not held: Continued by order of Court
08/10/2016 12:00 PM	Judge Kaplan Session	Courtroom 8	Pretrial Conference Domestic and Equity	Kaplan, Hon. Randy J	Case Not Heard and Rescheduled
08/10/2016 12:00 PM	Judge Kaplan Session	Courtroom 8	Contempt Continued	Kaplan, Hon. Randy J	Case Not Heard and Rescheduled
09/20/2016 02:00 PM	Judge Kaplan Session	Courtroom 8	Contempt Continued	Kaplan, Hon. Randy J	Event Held

<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
09/20/2016 02:00 PM	Judge Kaplan Session	Courtroom 8	Pretrial Conference Domestic and Equity	Kaplan, Hon. Randy J	Event Held
09/26/2016 08:30 AM	Judge Kaplan Session	Courtroom 8	Motion	Kaplan, Hon. Randy J	Taken Off List
09/26/2016 08:30 AM	Judge Kaplan Session	Courtroom 8	Summons Issued, Contempt Returnable	Kaplan, Hon. Randy J	Taken Off List
10/17/2016 08:30 AM	Judge Kaplan Session	Courtroom 8	Motion	Kaplan, Hon. Randy J	Taken Off List
05/01/2017 08:30 AM	Judge Bisenius Session	Courtroom 8	Summons Issued, Contempt Returnable	Bisenius, Hon. Theresa A	Event Held
05/01/2017 08:30 AM	Judge Bisenius Session	Courtroom 8	Summons Issued, Contempt Returnable	Bisenius, Hon. Theresa A	Event Held
05/01/2017 08:30 AM	Judge Bisenius Session	Courtroom 8	Summons Issued, Contempt Returnable	Bisenius, Hon. Theresa A	Taken Off List
05/01/2017 10:00 AM	Judge Kaplan Session	Courtroom 8	Summons Issued, Contempt Returnable	Kaplan, Hon. Randy J	Taken Off List
05/01/2017 10:00 AM	Judge Kaplan Session	Courtroom 8	Summons Issued, Contempt Returnable	Kaplan, Hon. Randy J	Taken Off List
06/05/2017 08:30 AM	Judge Bisenius Session	Courtroom 8	Motion	Bisenius, Hon. Theresa A	Event Held
07/03/2017 08:30 AM	Judge Bisenius Session	Courtroom 8	Review Hearing	Bisenius, Hon. Theresa A	Event Not Held - Rescheduled/Continued
07/03/2017 08:30 AM	Judge Bisenius Session	Courtroom 8	Contempt Continued	Bisenius, Hon. Theresa A	Event Not Held - Rescheduled/Continued
07/24/2017 08:30 AM	Judge Bisenius Session	Courtroom 8	Contempt Continued	Bisenius, Hon. Theresa A	Event Held
07/24/2017 08:30 AM	Judge Bisenius Session	Courtroom 8	Contempt Continued	Bisenius, Hon. Theresa A	Event Held
08/14/2017 08:30 AM	Judge Bisenius Session	Courtroom 8	Summons Issued, Contempt Returnable	Bisenius, Hon. Theresa A	Event Not Held - Rescheduled/Continued
09/18/2017 08:30 AM	Judge Bisenius Session	Courtroom 8	Summons Issued, Contempt Returnable	Bisenius, Hon. Theresa A	Event Held
11/20/2017 08:30 AM	Judge Bisenius Session	Courtroom 8	Contempt Continued	Bisenius, Hon. Theresa A	Event Held
11/27/2017 08:30 AM	Judge Bisenius Session	Courtroom 8	Summons Issued, Contempt Returnable	Bisenius, Hon. Theresa A	Event Held
01/08/2018 08:30 AM	Judge Bisenius Session	Courtroom 8	Motion	Bisenius, Hon. Theresa A	Taken Off List
04/30/2018 08:30 AM	Judge Bisenius Session	Courtroom 8	Summons Issued, Contempt Returnable	Bisenius, Hon. Theresa A	Event Not Held - Rescheduled/Continued
06/04/2018 08:30 AM	Judge Bisenius Session	Courtroom 8	Summons Issued, Contempt Returnable	Bisenius, Hon. Theresa A	Event Held

Date	Session	Location	Type	Event Judge	Result
06/25/2018 08:30 AM	Judge Bisenius Session	Courtroom 8	Summons Issued, Contempt Returnable	Bisenius, Hon. Theresa A	Event Not Held - Rescheduled/Continued
07/30/2018 08:30 AM	Judge Bisenius Session	Courtroom 8	Motion	Bisenius, Hon. Theresa A	Taken Off List
08/08/2018 08:30 AM	Judge Bisenius Session	Courtroom 8	Contempt Continued	Bisenius, Hon. Theresa A	Event Not Held - Rescheduled/Continued
08/08/2018 08:30 AM	Judge Bisenius Session	Courtroom 8	Summons Issued, Contempt Returnable	Bisenius, Hon. Theresa A	Event Not Held - Rescheduled/Continued
10/01/2018 08:30 AM	Judge Gargas Session Courtroom 4	Courtroom 4	Contempt Continued	Gargas, Hon. Melanie J	Event Not Held - Rescheduled/Continued
10/01/2018 08:30 AM	Judge Gargas Session Courtroom 4	Courtroom 4	Contempt Continued	Gargas, Hon. Melanie J	Event Not Held - Rescheduled/Continued
12/17/2018 08:30 AM	Judge Gargas Session Courtroom 4	Courtroom 4	Contempt Continued	Gargas, Hon. Melanie J	Event Held
12/17/2018 08:30 AM	Judge Gargas Session Courtroom 4	Courtroom 4	Contempt Continued	Gargas, Hon. Melanie J	Event Held
12/28/2018 02:30 PM	Judge Gargas Session Courtroom 4	Courtroom 4	Motion	Gargas, Hon. Melanie J	Event Held
01/24/2019 09:30 AM	Judge Gargas Session Courtroom 4	Courtroom 4	Motion	Gargas, Hon. Melanie J	Event Held
02/13/2019 08:30 AM	Judge Gargas Session Courtroom 4	Courtroom 4	Motion	Gargas, Hon. Melanie J	Event Held
02/13/2019 02:00 PM	Judge Gargas Session Courtroom 4	Courtroom 4	Contempt Continued	Gargas, Hon. Melanie J	Event Held
02/13/2019 02:00 PM	Judge Gargas Session Courtroom 4	Courtroom 4	Evidentiary Hearing	Gargas, Hon. Melanie J	Event Held
02/13/2019 02:00 PM	Judge Gargas Session Courtroom 4	Courtroom 4	Contempt Continued	Gargas, Hon. Melanie J	Event Held
04/22/2019 08:30 AM	Judge Gargas Session Courtroom 4	Courtroom 4	Summons Issued, Contempt Returnable	Gargas, Hon. Melanie J	Event Not Held - Rescheduled/Continued
05/16/2019 08:30 AM	Judge Gargas Session Courtroom 4	Courtroom 4	Motion	Gargas, Hon. Melanie J	Event Held
05/21/2019 08:30 AM	Judge Gargas Session Courtroom 4	Courtroom 4	Motion	Gargas, Hon. Melanie J	Event Held in Advance
06/11/2019 08:30 AM	Judge Gargas Session Courtroom 4	Courtroom 4	Trial 1 Day	Gargas, Hon. Melanie J	Event Held
08/12/2021 12:00 PM	Judge Cafazzo Hearing (COVID) Session	Www.Zoomgov.com/my/cafazzo	Pretrial Conference Domestic and Equity	Klug- Cafazzo, Hon. Terri L.	No Action Taken: No Judgmen/Decree/Order Issued
08/27/2021 09:00 AM	Judge Klug Cafazzo Session Courtroom 11	Lowell Courtroom 11 - 5th Floor	Trial Half Day	Klug- Cafazzo, Hon. Terri L.	No Action Taken: No Judgmen/Decree/Order Issued
10/27/2021 02:00 PM	Judge Klug Cafazzo Session Courtroom 11	Lowell Courtroom 11 - 5th Floor	Trial 2 Hours	Klug- Cafazzo, Hon. Terri L.	Under Advisement

Docket Information

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
12/09/1926	Summons Filed, Date of Service 12/02/2015	345	
03/07/2012	Certificate of Marriage	2	Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
03/07/2012	Affidavit Disclosing Care and Custody	3	Image
03/07/2012	Complaint for Divorce - Irretrievable Breakdown 1B	1	Image
03/07/2012	Motion For Temorary Orders	4	Image
03/07/2012	Plaintiff's Motion To Vacate Marital Home	5	Image
03/07/2012	Plaintiff's motion For Motion For Short Order	6	Image
03/07/2012	Summons issued on complaint for Divorce.		
03/07/2012	Track assignment notice issued.		
	NOTICE: Track Assignment Notice 14 Month Track		
	Sent on: 03/07/2012 14:24:52		
03/12/2012	Motion for Short Order of Notice	7	Image
03/12/2012	Motion for Emergency Custody Elmore, James F	8	Image
03/12/2012	Motion for Short Order of Notice by Elmore, Carolyn S	9	Image
03/12/2012	Motion for Temporary Orders Elmore, James F	11	Image
03/12/2012	Motion for Appointment of A Guardian Ad Litem	12	Image
03/12/2012	Motion for Emergency Custody	13	Image
03/12/2012	Motion for Allowance of Counsel Fees	14	Image
03/15/2012	Summons Filed, Date of Service 03/07/2012	16	Image
03/15/2012	Answer and Counterclaim	17	Image
03/15/2012	Financial Statement	18	Image
03/15/2012	Stipulation of the Parties	19	Image
03/15/2012	Financial Statement W	41	Image
03/29/2012	Motion for Short Order of Notice by Elmore, Carolyn S Allowed 03/12/2012	10	Image
03/29/2012	Temporary Order dated 03/12/2012	15	Image
03/29/2012	Motion to Strike Affidavit of Gregory Burke Allowed 03/15/2012	20	Image
03/29/2012	Motion for Appointment of A Guardian Ad Litem Allowed 03/15/2012	21	Image
03/29/2012	Order Appointing David Aptaker as Guardian Ad Litem dated 03/15/2012	22	Image
03/29/2012	Order Appointing David Goldman as Guardian Ad Litem dated 03/15/2012	23	Image
04/06/2012	Financial Statement W	42	Image
04/11/2012	Pre-Trial Notice and Order Sent	24	
	Event: Pretrial Conference Domestic and Equity		
	Date: 09/20/2012 Time: 11:00 AM		
	Result: Event not held: Continued by parties agreement		
04/11/2012	Motion for Reconsideration of Order dated March 12, 2012 and Request for a Hearing (in plastic sent to J. Gibson)	25	Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
04/11/2012	Motion to Incorporate Stipulation as Temporary Order	28	Image
04/11/2012	Motion to Enlarge Scope of GAL Investigation	30	Image
04/17/2012	Order Appointing Attorney David Goldman as GAL dated 03/15/2012	26	Image
04/17/2012	Motion to Establish Parenting Plan	27	Image
04/17/2012	Motion to Incorporate Stipulation as Temporary Order Allowed 04/11/2012	29	Image
04/17/2012	Motion to Enlarge Scope of GAL Investigation Allowed 04/11/2012	31	Image
04/17/2012	Scheduling Order dated 04/11/2012	32	Image
04/19/2012	Opposition TO RECONSIDERATION Attorney Perocchi Esq., Joyce G Attorney Jamieson, Esq., Peter	37	Image
04/19/2012	Motion TO STRIKE AFFIDAVIT	38	Image
04/23/2012	Request tapes	35	
04/24/2012	Motion for Clarification of order Dated April 11,2012 By Judge Gibson	33	Image
04/24/2012	Answer and Counterclaim to Complaint for Divorce	34	Image
04/24/2012	James F. Elmore's Certificate of Completion of Parent Education Program	36	Image
05/14/2012	Motion IS Denied 05/01/2012 Motion for Reconsideration of Order dated March 12, 2012 and Request for a Hearing (in plastic sent to J. Gibson)	39	Image
05/14/2012	Temporary Order 03/12/12	40	Image
06/19/2012	Opposition to Plaintiff's Motion for Legal Custody of the Minor Children Applies To: Elmore, James (Defendant); Jamieson, Esq., Peter (Attorney) on behalf of Elmore, James (Defendant)	53	Image
06/20/2012	Motion for Legal Custody of Minor Children	43	Image
06/20/2012	Motion to Strike Plaintiff's Motion for Legal Custody of Minor Children & Affidavit in Support of Motion	45	Image
06/27/2012	Motion for Legal Custody of Minor Children Denied 06/20/2012	44	Image
06/27/2012	Motion for legal Custody of Minor Children & Affidavit in Support of Motion Allowed 06/20/2012	46	Image
08/22/2012	Motion to appoint Ralph Koplowitz as therapist for Nekisha Elmore in accordance with Judge Gibson's Court order dated 6/20/2012 Applies To: Elmore, Carolyn S (Plaintiff); Urukalo, Esq., Suzana (Attorney) on behalf of Elmore, Carolyn S (Plaintiff)	49	Image
08/22/2012	Motion to appoint therapist for minor child Applies To: Elmore, James (Defendant); Jamieson, Esq., Peter (Attorney) on behalf of Elmore, James (Defendant)	50	Image
08/22/2012	Motion to Appoint Therapist for Minor Child Applies To: Elmore, James (Defendant); Jamieson, Esq., Peter (Attorney) on behalf of Elmore, James (Defendant)	54	Image
08/27/2012	Subsequent Action Contempt Filed	47	Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
09/06/2012	Amended Complaint for Contempt	48	Image
09/20/2012	joint Motion to Continue pre trial conference and extend the discovery deadline	51	Image
09/28/2012	Motion to continue pre trial conference and extend the discovery deadline Allowed 09/20/2012	52	Image
10/02/2012	Opposition to Plaintiff's Motion for Legal Custody of the Minor Children Applies To: Elmore, James (Defendant); Jamieson, Esq., Peter (Attorney) on behalf of Elmore, James (Defendant)	55	Image
10/03/2012	Motion for Legal Custody of the Minor Children...10/3/12, See Margin Applies To: Elmore, Carolyn S (Plaintiff); Urukalo, Esq., Suzana (Attorney) on behalf of Elmore, Carolyn S (Plaintiff)	56	Image
10/03/2012	Carolyn S Elmore's Certificate of Completion of Parent Education Program	57	Image
10/03/2012	Motion to Strike Defendant's Opposition to Plaintiff's Motion for Legal Custody Applies To: Elmore, Carolyn S (Plaintiff); Urukalo, Esq., Suzana (Attorney) on behalf of Elmore, Carolyn S (Plaintiff)	58	Image
10/22/2012	Motion to Strike Defendant's Opposition to Plaintiff's Motion for Legal Custody Denied 10/03/2012	59	Image
11/08/2012	Motion to Continue Contempt Hearing with Assent	60	Image
11/13/2012	Motion to Continue Contempt Hearing with Assent Allowed 11/08/2012 continued to 12/6/12 at 8:30 am.	61	Image
11/28/2012	Motion to Amend contempt filed 08/27/12	62	Image
11/28/2012	second Amended Complaint for contempt filed 11/28/12	64	Image
11/28/2012	p. Motion to require job search	65	Image
11/28/2012	p. Motion to reduce alimony	67	Image
11/28/2012	d. Motion to Compel production of docs and fees	69	Image
11/28/2012	Motion to Continue pt conf to 04/04/13	71	Image
11/28/2012	D. Opposition to motion to reduce alimony and submit job search	73	Image
11/28/2012	Financial Statement Applies To: Elmore, Carolyn S (Plaintiff); Elmore, James (Defendant)	74	Image
11/28/2012	Financial Statement w	122	Image
12/06/2012	Motion fees Applies To: Urukalo, Esq., Suzana (Attorney) on behalf of Elmore, Carolyn S (Plaintiff)	76	Image
12/06/2012	Financial Statement Applies To: Elmore, James (Defendant)	78	Image
01/02/2013	Motion to Amend contempt filed 08/27/12 Allowed 11/28/2012	63	Image
01/02/2013	Motion to require job search Denied 11/28/2012	66	Image
01/02/2013	Motion to reduce alimony Allowed 11/28/2012 see margin	68	Image
01/02/2013	Motion to Compel production of docs and fees Allowed 11/28/2012	70	Image
01/02/2013	Motion Continue pt conf to 04/04/13 Allowed 11/28/2012	72	Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
01/02/2013	Order appointing special master 11/28/12	75	Image
01/02/2013	Order deferred to a trial on merits 12/06/12	77	Image
01/02/2013	Order on contempt filed 11/28/12 12/06/12	79	Image
01/18/2013	Subsequent Action Contempt Filed	80	Image
01/30/2013	W's Motion to appt. GAL re waiver of privilege	84	Image
01/30/2013	W's Motion for academic placement for Jasmine Elmore	86	Image
01/30/2013	H's Motion to bifurcate	88	Image
01/30/2013	H's Motion for counsel fees pendente lite	89	Image
01/30/2013	H's Motion to consolidate	91	
01/30/2013	Financial Statement	93	
01/30/2013	Financial Statement of H	94	Image
02/06/2013	Subsequent Action Contempt Filed	81	Image
02/06/2013	Summons Filed, Date of Service 01/23/2013	97	Image
03/13/2013	W's Motion to liquidate marital asset	98	Image
03/13/2013	H's Motion to release GAL report to child's therapist	99	Image
03/13/2013	H's Motion to modify parenting plan	101	Image
03/13/2013	W's Motion for sole legal custody	103	Image
03/13/2013	H's Opposition to motion for sole custody	105	Image
04/04/2013	H's Motion to continue pre trial	107	Image
04/04/2013	Stipulation of the Parties	111	Image
04/11/2013	Request tapes- Applies To: Jamieson, Esq., Peter (Attorney) on behalf of Elmore, James (Defendant)	82	
06/06/2013	H's Motion for temp. appt. of parenting time supervisor	112	Image
06/06/2013	W's Opposition to motion for temp. appt. of supervisor	114	Image
06/06/2013	Financial Statement of W	115	Image
06/06/2013	Financial Statement of H	116	Image
06/13/2013	Request tapes- Applies To: Jamieson, Esq., Peter (Attorney) on behalf of Elmore, James (Defendant)	83	
07/30/2013	Motion re appt. of GAL Allowed 01/30/2013	85	Image
07/30/2013	Motion for academic placement of Jasmine Elmore Allowed 01/30/2013	87	Image
07/30/2013	Motion for counsel fees Allowed 01/30/2013	90	Image
07/30/2013	Motion to consolidate Allowed 01/30/2013	92	
07/30/2013	Trial Order dated 1/30/13	95	Image
07/30/2013	Temporary Order dated 1/30/13	96	Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
07/30/2013	Motion neither party is to provide any further information to the Child's therapist without a Court order Allowed 03/13/2013	100	Image
07/30/2013	Order dated 3/13/13 on motion to modify parenting plan	102	Image
07/30/2013	Order dated 3/13/13 on motion for sole custody	104	Image
07/30/2013	Order dated 3/13/13 for production of dept. of Children & Families for hearing decision and any findings etc.	106	Image
07/30/2013	Motion to continue pretrial Allowed on 4/4/13	108	Image
07/30/2013	Order of Contempt dated 4/4/13	109	Image
07/30/2013	Scheduling Order dated 4/4/13	110	Image
07/30/2013	Motion to appt. temp. supervisor Allowed on 6/6/13	113	Image
07/30/2013	Order dated 6/6/13 after pretrial conference	117	Image
08/08/2013	Subsequent Action Contempt Filed Applies To: Jamieson, Esq., Peter (Attorney) on behalf of Elmore, James (Plaintiff)	118	Image
08/08/2013	Motion for short order on contempt	119	Image
08/21/2013	Motion for for short order of notice and request for expedited hearing on contempt action Allowed 08/08/2013 this matter shall be heard on 8/13/2013	120	Image
08/21/2013	Order of Contempt filed on 8/8/2013 dated 8/13/2013	121	Image
08/27/2013	Summons Filed, Date of Service 08/09/2013	123	Image
08/28/2013	Withdrawal of att, Applies To: Urukalo, Esq., Suzana (Attorney) on behalf of Elmore, Carolyn S (Plaintiff) and Laura J. Crevizzi P.C	126	Image
09/04/2013	Appearance by attorney Anton R. Reinert, Esq.	128	Image
10/01/2013	Stipulation of the Parties filed 10/01/2013 regarding discovery deadline	125	Image
10/03/2013	Subsequent Action Contempt Filed	124	Image
10/21/2013	Summons Filed, Date of Service 10/05/2013	129	Image
10/23/2013	Answer to contempt Applies To: Jamieson, Esq., Peter (Attorney) on behalf of Elmore, James (Defendant)	130	Image
10/24/2013	Motion to strike plaintiff's consolidated opposition dated 10/29/2013 Applies To: Jamieson, Esq., Peter (Attorney) on behalf of Elmore, James (Defendant)	131	Image
10/30/2013	Motion to define role of parent coordinator Applies To: Jamieson, Esq., Peter (Attorney) on behalf of Elmore, James (Defendant)	132	Image
10/30/2013	Motion for an allowance of counsel fees and for expert fees pendente lite Applies To: Jamieson, Esq., Peter (Attorney) on behalf of Elmore, James (Defendant)	133	Image
10/30/2013	Motion to modify parenting plan	135	Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
10/30/2013	Motion to update GAL report Applies To: Jamieson, Esq., Peter (Attorney) on behalf of Elmore, James (Defendant)	137	Image
10/30/2013	Motion to allow refinance of mortgage and equity line for marital residence Applies To: Reinert, Esq., Anton R. (Attorney) on behalf of Elmore, Carolyn S (Plaintiff)	139	Image
10/30/2013	Motion to reschedule 1/2/2014 contempt hearing to oct 30/2013 Applies To: Reinert, Esq., Anton R. (Attorney) on behalf of Elmore, Carolyn S (Plaintiff)	141	Image
10/30/2013	Financial Statement h	142	Image
10/30/2013	Financial Statement w	143	Image
10/31/2013	Notice of Exhibit Removal Pursuant to Prob. Ct. Rule 26 and Supp. Prob. Ct Rule 203.	127	
11/04/2013	Motion for short order of notice on plaintiff's emergency motion for allowance of counsel fees and for expert fees pendente lite due to newly discovered evidence of perjury by defendant's counsel and for sanctions	146	Image
11/12/2013	Motion to strike defendant's oct 23, 2013 motion for an allowance of counsel fees and for expert fees pendente lite due to newly discovered evidence of perjury by defendants counsel and sanctionis	145	Image
11/22/2013	Appearance by attorney Kelly A Riordan, Esq.	158	
11/22/2013	Withdrawal of Atty, Reinert for W	159	
12/05/2013	Motion for an allowance of counsel fees and for expert fees pendente lite Allowed 10/30/2013	134	Image
12/05/2013	Order dated 10/30/2013.... the parties shall address issues of modification of the parenting plan to the parenting coordinator and shall set a schedule extended day visits of up to six hours unsupervised for the young child Nekisha	136	Image
12/05/2013	Motion to update GAL report Allowed 10/30/2013	138	Image
12/05/2013	Motion to allow refinance of mortgage and equiy line for marital residence Allowed 10/30/2013	140	Image
12/05/2013	Order re: defendant's motion to define role of parent coordinator dated 10/30/2013	144	Image
12/05/2013	Motion for short order of notice on #146 Allowed 11/04/2013	147	Image
12/05/2013	Motion to strike defendant's oct 23, 2013 motion for al allowance of counsel fees and for expert fees pendente lite due to newly discovered evidence of perjury by defendant's counsel and for sanctions. Denied 11/25/2013	148	Image
12/05/2013	Order dated 11/25/2013 RE: plaintiff's motion to strike defendants motion for allowance of counsel fees and expert fees pendente lite	149	Image
12/09/2013	Request TAPES- Applies To: Jamieson, Esq., Peter (Attorney) on behalf of Elmore, James (Defendant)	150	
12/10/2013	Order 10/30/13. RE: motion to update GAL report	151	Image
12/12/2013	Request tapes-Miriam G. Altman	152	
12/12/2013	Motion to consolidate Contempt & Divorce actions	160	
12/17/2013	W's Motion for clarification of orders dated 11/25/13	162	
12/23/2013	Notice of withdrawal of appearance of counsel	154	Image
12/23/2013	H's Opposition to motion for clarification	163	
12/30/2013	Notice of Docket Entry from Appeals Court -With respect to Petition with attachments, filed by Carolyn Elmore, on December 27, 2013, the following Order was entered on the docket of the case: RE#1: upon review, the petition is allowed. Paragraph 4 of the Order dated 11/25/13, in docket # M12D0926DR is hereby vacated.	153	Image
01/15/2014	Motion for plaintiff's expert witness to review copy of G.A.Lreport & any supplemental reports and interview the minor children	155	Image
01/27/2014	Joint Motion to extend discovery deadline	164	
01/27/2014	Motion to reschedule	166	

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
01/30/2014	W's Motion to liquidate marital assets	168	
02/03/2014	W's Motion for issuance of Letters Rogatory	169	
02/03/2014	W's Objection to appeal from Special Masters discovery orders dated 1/27/14	170	
02/06/2014	H's Motion to equalize atty fees	171	
02/06/2014	H's Motion for short order of notice	172	
02/11/2014	Fee Generating Appointment, Karen Berman Cohen, Esq. appointed as F Guardian ad litem in Domestic Relations, Custody On 02/11/2014 by Hon. Dorothy M Gibson For children Reason: Appointee has particular subject matter knowledge Additional Instructions: private pay to be paid equally	156	
02/11/2014	w's Motion for her expert witness to review copy of GAL report and any supplemental reports and interview the minor children	173	Image
02/11/2014	h's Motion to equalize attys fees Applies To: Jamieson, Esq., Peter (Attorney) on behalf of Elmore, James (Defendant)	175	Image
02/11/2014	Opposition of w to defendants (h) motion to equalize attys fees	177	Image
02/11/2014	hs Motion to Waive appearance at hearing	178	Image
02/11/2014	Opposition of h to w's moton to compel and appeal from discovery masters rulings	180	Image
02/11/2014	Objection of w to /appeal from special masters january 27, 2014 discovery orders concerning "confront Letter"	181	Image
02/11/2014	Motion by mother to liquidate marital assets	183	Image
02/11/2014	Motion to Continue trial date Applies To: Altman, Esq., Miriam Goldstein (Attorney) on behalf of Elmore, Carolyn S (Plaintiff)	185	Image
02/11/2014	Financial Statement h	187	Image
02/11/2014	Financial Statement w	188	Image
02/11/2014	Stipulation of the Parties	189	Image
02/11/2014	w's Motion for issuance of letters rogatory	192	Image
03/10/2014	w's Motion in limine re: testimony of and documents authored by jasmine elmore as to sexual abuse	194	Image
03/10/2014	h's Motion to establish parenting plan pending judgment	195	Image
03/10/2014	Motion by mother for supervised visitation for minor children	197	Image
03/10/2014	Motion for leave to Amend complaint for divorce to add Cruel and abusive treatment	199	Image
03/10/2014	Motion by wife for evidentiary hearing regarding motion to waive presence at hearing and for extensioni of discovery deadline for limited discovery	201	Image
03/11/2014	w's Motion to strike synthesis and recommendations made by GAL from GAL report and to prohibit GAL'S testimony as to synthesis and recommendations	203	Image
03/12/2014	Request tapes-Miriam G. Altman	157	
03/16/2014	Motion by mother to strike fathers emergency motion, for clarification regarding parenting time	205	Image
03/16/2014	Opposition of mother to fathers request for limited hearing on his emergency motion for clarification regarding parenting plan	206	Image
03/16/2014	Opposition of mother to fathers emergency motion for clarification regarding parenting plan	207	Image
03/24/2014	Motion For further temp orders	522	Image
03/25/2014	Motion to consolidate Allowed 12/12/2013	161	
03/25/2014	Motion to extend discovery deadline Allowed 01/27/2014	165	
03/25/2014	Motion to reschedule Allowed 01/27/2014	167	

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
03/26/2014	Motion by father in limine to preclude testimony of Patricia Brady LMFC, LMFT	208	Image
03/26/2014	Motion by father for short order of notice	209	Image
03/26/2014	Motion by w for further temporary orders	210	Image
03/26/2014	Motion by w in limine to preclude expert testimony of Tien Ung	211	Image
04/02/2014	Motion for w's expert witness to review copy of GAL report and any supplemental repts and interview the minor children Allowed 02/11/2014	174	Image
04/02/2014	Motion to equalize attys fees Allowed 02/11/2014	176	Image
04/02/2014	Motion to waive h's appearance at hearing Allowed 02/11/2014	179	Image
04/02/2014	Order dated 2/11/2014 the letter shall be produced it shall be held by counsel for the purpose of preparing for trial the letter shall only be shared with the GAL & masters expert. mother shall not share , show send leave or otherwise disseminate the "confront letter" written by jasmine. violating the order will result in a finding of contempt mother shall not cause anyone disseminate the letter for her	182	Image
04/02/2014	Motion to liquidate marital assets Allowed 02/11/2014	184	Image
04/02/2014	Motion to continue trial date Denied 02/11/2014	186	Image
04/02/2014	Order dated 2/11/2014 appointing Karen Cohen as GAL	190	Image
04/02/2014	Temporary Order 2/11/2014	191	Image
04/02/2014	Motion for issuance of letters rogatory Allowed 02/11/2014	193	Image
04/02/2014	Order dated 3/14/2014 pending trial, on the merits the current parenting plan shall remain in place, during father's parenting time with Nekisha, he shall not take her to any activity including movies that are rated pg 13 or higher this restriction applies to both parties	196	Image
04/02/2014	Order dated 3/10/2014 pending the trial on the merits the current parenting schedule shall remain in place during fathers visits with Nekisha, he shall not take her to any activity including movies that have rated pg 13 or higher this applies to both parties	198	Image
04/02/2014	Motion for leave to amend complaint for divorce to add cruel and abusive treatment Denied 03/10/2014	200	Image
04/02/2014	Order dated 3/10/2014 discovery is extended only on the issue of husband's employer . deadline is extended to march 28, 2014	202	Image
04/02/2014	Motion by w to strike synthesis and recommendations made by GAL from GAL REPORT and to prohibit GAL'S testimony as to synthesis and recommendations Allowed 03/11/2014	204	Image
04/02/2014	Motion in limine to preclude expert testimony of Tien Ung Denied 03/26/2014	212	Image
04/04/2014	Motion For findings of fact	523	Image
04/04/2014	Notice of attorney	525	Image
04/04/2014	Request For Stenographer	526	Image
04/04/2014	Motion For Attorney Fees	527	Image
04/04/2014	Motion In Limine to preclude statements	528	Image
04/04/2014	Motion by w to file answer to second amended complaint for contempt late	225	Image
04/04/2014	Motion in limine by w to strike Tien Ung's recommendations for parenting plan and statements on credibility of witnesses from GAL report and to preclude GAL from testifying to same	227	Image
04/04/2014	Motion by w in limine for order Compelling parties to sell 484 Groton Road, Westford, Ma so that no expert testimony will be necessary	229	Image
04/04/2014	Motion in limine by h to preclude statements written by child	233	
04/04/2014	Motion by father in limine, to preclude child from testifying	235	Image
04/04/2014	Motion by h to quash subpoena	237	Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
04/04/2014	Motion, joint, to sequester witnesses	239	Image
04/04/2014	Motion by h for attys fees	241	Image
04/11/2014	Motion for further Temporary Orders by w	246	Image
04/11/2014	Motion by w for clarification of the Honorable Judge Gibson's april 7, 2014 ruling on motion in limine	248	Image
05/29/2014	Affidavit Of Plaintiff	531	Image
06/09/2014	Motion by the Middlesex District Attorney to intervene and motion to quash subpoena duces tecum	252	Image
06/09/2014	Motion by w to add tax expert to witness list or in the alternative to submit a tax memorandum	253	Image
06/09/2014	Motion by w to allow for passport renewal applications for minor children	255	Image
06/09/2014	Motion by w for further Temporary Orders	257	Image
06/09/2014	Motion by w to suppress errata sheets	259	Image
06/09/2014	Motion by h for an allowance of counsel fees and for expert fees pendente lite	261	Image
06/09/2014	Motion by father for vacation /parenting time with the minor children	263	Image
06/24/2014	Opposition to Plaintiff's Motion for Reconsideration of the Honorable Judge Gibson's Order dated 4/11/14 Denying the Plaintiff's Motion to Reduce Alimony Applies To: Elmore, James (Defendant); Jamieson, Esq., Peter (Attorney) on behalf of Elmore, James (Defendant)	466	Image
06/26/2014	Motion For leave to file a reply memorandum to opposition	532	Image
07/18/2014	mothers emergency Motion to stay order allowing h's motion for vacation parenting time with the minor children 6/10/2014..... the court declines to address this mater as the matter is before a single Justice	267	Image
07/18/2014	mothers emergency Motion for the clerk of the middlesex probate and family court to transmit "confrontation letter" to the single justice of the massachusetts appeals court	268	Image
07/18/2014	Motion by mother for short order of notice on her motions about father vacationing with minor children	269	Image
07/23/2014	Notice of Docket Entry from Appeals Court -On July 22, 2014, the following entry was made on the docket of the case: ORDER: ACTION ON THE PETITION IS STAYED PENDING THE COURT'S RECEIPT OF ALL DOCUMENTS REQUIRED BY THE COURT'S STANDING ORDER GOVERNING PETITIONS FILED PURSUANT TO G.L. c. 231, s. 118.	213	Image
07/25/2014	Notice of Docket Entry from Appeals Court -On July 24, 2014, the following entry was made on the docket in the case: ORDER: The visitation order dated June 10, 2014, is hereby stayed pending further order of this court or a single justice thereof.	214	Image
07/25/2014	Motion by w for the Honorable Judge Gibson's order dated 4/11/2014 denying her motion to reduce alimony	272	Image
07/28/2014	Case Taken Under Advisement The following event: Trial 1 Day scheduled for 07/28/2014 09:00 AM has been resulted as follows: Result: Event Held-Under Advisement Appeared:		
07/28/2014	Notice of Docket Entry from Appeals Court -with respect to the petition with attachments, filed by Carolyn Elmore, on July 25,2014, the following order was entered on the docket: RE#1: After hearing and review of materials, the petition is DENIED. I will retain jurisdiction of any petitions for review of future visitation order in this matter	217	Image
07/30/2014	Affidavit Of Defendant , James F Elmore in support of Father's Second Motion for Vacation Parenting	467	Image
08/06/2014	second Motion by father for vacation parenting time with the minor children	273	Image
08/06/2014	Opposition of mother to fathers second motion for vacation parenting time with minor children	275	Image
08/13/2014	Answer to opposition to motion to admit	533	Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
08/13/2014	mothers Motion to Impound	278	Image
08/22/2014	Appearance by attorney Daniel Salstein, Esq.	279	Image
09/15/2014	Motion by mother for sole legal custody of Jasmine L Elmore with regard to psychological and medical care	283	Image
11/17/2014	Motion by w to strike rule 401 financial statement of h's dated 11/17/2014 (denied)	284	Image
12/10/2014	Motion by both parties to extend date for filing of findings of fact and conclusions of law, rational revised proposed judgment, and any motions for attys fees and affidavit, from 12/17/2014 to 12/31/2014	285	Image
12/15/2014	Subsequent Action Contempt Filed	215	Image
12/23/2014	Request tapes- Applies To: Jamieson, Esq., Peter (Attorney) on behalf of Elmore, James (Defendant)	216	
01/29/2015	Motion by w for further Temporary Orders	288	Image
02/05/2015	assented to Motion to reschedule motion scheduled for 02/11/2015	289	Image
02/11/2015	Motion assented to, reschedule hearing scheduled for 2/11/2015	291	
02/12/2015	Case Taken Under Advisement The following event: Motion scheduled for 02/12/2015 02:00 PM has been resulted as follows: Result: Event Held-Under Advisement Appeared:		
02/12/2015	Motion by h for predistribution of sale proceeds	293	Image
02/12/2015	Motion by h to strike w's motion for further temporary orders and support documents	294	Image
02/12/2015	Motion by w to strike affidvit of h in opposition to motion for further temporary orders	296	Image
02/12/2015	Motion by h for predistribution of sale proceeds	298	Image
02/27/2015	Plaintiff's Motion for further Temporary Orders	218	Image
02/27/2015	Motion for short order on plaintiff's motion for further temporary orders	219	Image
02/27/2015	Appearance by attorney Jeneva H. Panopoulos, Esq.	303	Image
03/25/2015	Motion by w for further Temporary Orders regarding mortgage	305	Image
04/04/2015	Motion by w in limine to preclude admission into evidence of documents or testimony protected by joint defense privilege	231	Image
04/04/2015	Stipulation of the Parties	243	Image
04/08/2015	Stipulation of the Parties	245	Image
05/12/2015	Findings of fact and conclusion of law on dated 4/21/15 on complaint for divorce filed 3/7/12, H's counterclaim for divorce filed 3/15/12, on W's Contmpt filed 10/3/13 and H's Contempt filed 8/8/13 dated 04/21/2015	220	Image
05/12/2015	Judgment of Divorce Nisi dated 4/21/15	221	Image
05/12/2015	Mass. Statistical R408 Form	222	Image
05/21/2015	Defendant's Motion to Amend Judgment Pursuant to Rules 59(e) and/or Rule 60	223	Image
05/22/2015	Plaintiff's Motion Pursuant To Mass. R. Dom.Rel.P. 52(b) And 59	224	Image
06/04/2015	Motion by w to file late answer to second amended complaint for contempt Allowed 04/04/2014	226	Image
06/04/2015	Motion by w to strike Tien Ungs recommendations for parenting plan and statments on credibility of witnesses from GALreport and to preclude GAL from testifying to same Allowed 04/04/2014	228	Image
06/04/2015	Motion by w in limine, for order compelling parties to sell 484 groton road , westford, ma so that no expert testimony will be necessary Allowed 04/04/2015	230	Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
06/04/2015	Motion by w , in limine, to preclude admission into evidence of documents or testimony protected by joint defense privilege Denied 04/04/2014	232	Image
06/04/2015	Motion by h in limine to preclude statements written by child Allowed 04/04/2014	234	
06/04/2015	Motion by father , in limine to preclude child from testifying Allowed 04/04/2014	236	Image
06/04/2015	Motion by h to quash subpoena Allowed 04/04/2014	238	Image
06/04/2015	Motion joint, in limine, to sequester witnesses Allowed 04/04/2014	240	Image
06/04/2015	Order dated 4/4/2014 appointing Copley Court Reporting 'Inc Susan E DiFraia court stenographer	242	Image
06/04/2015	Order dated 4/8/2014 appointing Patricia M Haynes, court reporter	244	
06/04/2015	Motion by w for further temporary orders Denied 04/11/2014	247	Image
06/04/2015	Order dated 4/11/2014 on motion by w for clarification of the Honorable Judge Gibson's april 7, 2014 ruling on motion in limine	249	Image
06/04/2015	Temporary Order dated 5/1/2014	250	Image
06/04/2015	rescheduling Order dated 5/2/2014..... due to a change in the court schedule the trial scheduled for 6/16/14 and 6/17/2014 has been rescheduled , the new date will be determined by the court as soon as possible	251	Image
06/04/2015	Motion by w to add tax expert to witness list or in the alternative to submit a tax memorandum Denied 06/09/2014	254	Image
06/04/2015	Order dated 6/9/2014 on w's motion to allow passport renewal applications for minor children	256	Image
06/04/2015	Motion by w for further temporary orders Allowed 06/09/2014	258	Image
06/04/2015	Motion by w to suppress errata sheets Allowed 06/09/2014	260	Image
06/04/2015	Motion by h for an allowance of counsel fees and for expert fees pendente lite Allowed 06/09/2014	262	Image
06/04/2015	Order dated 6/10/2014 on father's motion for vacation parenting time with minor children	264	Image
06/04/2015	Order dated 6/10/2014 on fathers motion for vacation parenting time with minor children	265	Image
06/04/2015	trial scheduling Order dated 7/17/2014	266	Image
06/04/2015	Motion by mother for short order of notice Allowed 07/18/2014 to be heard on 7/21/2014	270	Image
06/04/2015	Order dated 7/21/2014 this matter is scheduled for (further) trial on 7/28/2014 and 8/22/2014	271	Image
06/04/2015	Motion second by father for vacation parenting time with the minor children Denied 08/06/2014	274	Image
06/04/2015	Memorandum of Decision and order dated 8/7/2014	276	Image
06/04/2015	Order of the court re: fathers second motion for vacation parenting time with the minor child, his motion is allowed	277	Image
06/04/2015	Temporary Order dated 8/22/2014	280	Image
06/04/2015	trial scheduling Order 08/22/2014	281	Image
06/04/2015	Order dated 9/16/2014 on the issues of testimony of Jasmine Elmore or introduction of documents authorized by Jasmine Elmore and admissibility of voice mail messages	282	Image
06/04/2015	Motion by both parties to extend date for filing of findings of fact, conclusions of law, rationale, revised proposed judgment, and any motion s for attys fees and affidavit, from 12/17/2014 to 12/31/2014 Allowed 12/10/2014	286	Image
06/04/2015	Order dated 12/10/2014 on joint motion to extend date for filing of findings of fact , conclusions of law , revised proposed judgment, rationale and any motion for attys fees and affidavit and rationale from 12/17/2014 to 12/31/2014	287	Image
06/05/2015	Motion to reschedule motion hearing Allowed 02/06/2015	290	Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
06/05/2015	Motion assented to, reschedule motion hearing scheduled for 2/11/2015 Allowed 02/11/2015 rescheduled for 2/12/2015	292	Image
06/05/2015	Motion by h to strike w's motion for further temporary orders and supporting documents Denied 02/12/2015	295	Image
06/05/2015	Motion by w to strike affidavit of h in opposition to motion for further temporary orders Denied 02/12/2015	297	Image
06/05/2015	Motion by h for predistribution of sale proceeds Allowed 02/12/2015	299	Image
06/05/2015	Order dated 2/12/2015 on h's motion for predistribution of sale proceeds	300	Image
06/05/2015	Order dated 2/19/2015 on motion for further temporary orders	301	Image
06/05/2015	Motion by w for short order of notice on her motion for further temporary orders Allowed 02/27/2015 File Reference # 301	302	Image
06/05/2015	Order dated 3/9/2015 on w's motion for further temporary order filed 1/29/2015	304	Image
06/05/2015	Motion by w for further temporary orders regarding mortgage Allowed 03/25/2015	306	Image
06/05/2015	Order dated 3/25/2015 regarding w's motion for further temporary orders regarding mortgage	307	Image
06/05/2015	W's Motion for Leave to file Reply Memorandum to H's Opposition to W's Motion to Amend/Alter Judgment	308	Image
06/05/2015	W's Reply Statement to H's Opposition to W's Motion to Amend/Alter Judgment	309	Image
06/08/2015	Opposition of h to w's motion , pursuant to MASS.R.DOM.REL.P.52(b) and 59 to take additional testimony and to alter/amend judgment of divorce and findings of fact and conclusions of law by the Honorable Judge Dorothy M Gibson on 4/21/2015 and entered on 5/12/2015	310	Image
06/23/2015	Motion by w , pursuant to MASS.R.DOM.REL.P. 52(b) and 59 to take additional testimony and to alter/amend Judgment of divorce and findings of fact and conclusions of law by the Honorable Judge Gibson dated 4/21/2015 Denied 06/11/2015	311	Image
06/23/2015	Relevant Procedural History, amended Findings of Fact, Rationale, and Conclusions of Law dated 6/11/2015 as of 4/21/2015	312	Image
06/23/2015	amended Judgment of Divorce Nisi , filed on 3/7/2012, by wife, husbands counterclaim for divorce filed on 3/15/2013 , wife's contempt filed 10/3/2013 and husbands complaint for contempt filed 8/8/2013 dated 6/11/2015 as of 4/21/2015	313	Image
07/06/2015	Subsequent Action Contempt Filed	314	Image
07/17/2015	Summons Filed, Date of Service 07/08/2015	315	Image
07/23/2015	Notice of Appeal by Carolyn S Elmore from Amended Judgment-Order on motion to take additional testimony Dated 06/11/2015. Judge and Parties Notified 07/23/2015.	316	Image
08/03/2015	Affidavit In support of motion for stay	521	Image
08/17/2015	Request tapes- Applies To: Jamieson, Esq., Peter (Attorney) on behalf of Elmore, James (Defendant)	327	
08/17/2015	Notice of docket entry- On August 14, 2015, the following entry was made on the docket of the above-referenced case.	330	Image
08/26/2015	Plaintiff's Motion for Order Directing Clerk to Enter Court's Ruling on Defendant's Motion to Amend Under Mass.R.Dom.Rel.P.59 And/Or 60 On the Docket	328	Image
08/26/2015	Notice of Docket Entry from Appeals Court -with respect to motion to stay with attachments, filed by Carolyn Elmore. On august 24, 2015, the following order was entered on the docket:Mothers motion to stay is DENIED. Fathers motion for appellate atty, fees is DENIED. His motion for additional vacation time with the children is DENIED.	329	Image
08/31/2015	Stipulation of the Parties	332	Image
09/02/2015	Transcript Received-14 volume-April 4,7,8, and 11th-june 9th & 10th-july 28th-August 22, -Sept 29th & 30th-Oct. 6th,7th,20th & 21st-2014	337	
09/09/2015	Affidavit of Miriam G. Altman, Esq Re: Trial transcripts	331	Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
09/14/2015	Notice of Docket Entry from Supreme Judicial Court On 09/11/2015, the following was entered on the docket in the case:JUDGMENT: it is ordered that the petition be, and hereby is DENIED without hearing. It is further ordered that the mother petitioner's motion to impound and refer to the parties by their initials be, and the same hereby is ALLOWED without hearing	339	Image
09/16/2015	Notice of Docket Entry from Supreme Judicial Court Notice of Assembly of the record on Appeal	340	Image
09/21/2015	Motion for attys fees and costs Applies To: Elmore, Carolyn S (Plaintiff)	333	Image
09/28/2015	Notice of Appearance of James Elmore, Pro Se	334	Image
09/28/2015	Agreement	335	Image
10/08/2015	Judgment/Decree on Subsequent Action	336	Image
10/13/2015	Notice of Assembly of Record. Attorney/Parties and Appeals Court notified on 10/13/2015	338	Image
10/22/2015	Notice of Docket Entry from Appeals Court case was entered in the court on 10/19/2015	341	Image
10/28/2015	Notice of Docket Entry from Supreme Judicial Court On 10/26/2015 the following was entered on the docket of the case: Judgment after Rescript	342	Image
11/25/2015	Subsequent Action for Modification filed w/o file	343	Image
11/25/2015	Summons issued on complaint for modification.		
11/25/2015	Motion for Temporary Orders w/o file	344	Image
12/10/2015	Summons Filed, Date of Service 12/02/2015	346	Image
02/01/2016	Defendant's Motion To Dismiss Pursuant To MASS.R.DOM.REL.P.12(b)(6)	347	Image
02/01/2016	Appearance by attorney Kelly A Riordan, Esq.	348	Image
02/01/2016	Defendant's Motion To Disqualify Plaintiff's Counsel, George N. Panas, Esq.	349	Image
02/18/2016	h's Motion to Amend modification filed by w (withdrawn)	359	Image
02/18/2016	Opposition to motion to dismiss	360	Image
02/25/2016	Objection of w	361	Image
02/29/2016	w's Motion to strike h's answer to objections	364	Image
02/29/2016	Opposition to motion to disqualify	366	Image
02/29/2016	Affidavit of Carolyn S Elmore in opposition to motion for temporary orders	367	Image
02/29/2016	Financial Statement w	368	Image
02/29/2016	Financial Statement h	369	Image
02/29/2016	Pre-Trial Notice and Order Sent Event: Pretrial Conference Domestic and Equity Date: 06/22/2016 Time: 12:00 PM Result: Event not held: Continued by parties agreement	350	
03/01/2016	W's Opposition to motion to amend Modification	351	Image
03/11/2016	Answer and Counterclaim To Complaint For Modification Applies To: Elmore, Carolyn S (Plaintiff)	352	Image
03/22/2016	Answer to Defendant's Counterclaim	353	Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
04/11/2016	Subsequent Action Contempt Filed	354	Image
05/20/2016	W's Motion for protective order on request for production of documents	356	Image
05/23/2016	Motion To Continue/Reschedule pre trial conference joint	390	Image
05/24/2016	Pre-Trial Notice and Order Sent Event: Pretrial Conference Domestic and Equity Date: 08/10/2016 Time: 12:00 PM Result: Event Rescheduled by Court	355	
06/01/2016	H's Opposition to motion for protective order	357	Image
06/07/2016	Temporary Order dated 6/3/16	358	Image
06/09/2016	Motion by w for leave to file reply to h's opposition	374	Image
06/23/2016	Motion for attys fees	376	Image
06/24/2016	h's Motion to Continue with affidavit of counsel	370	Image
06/24/2016	Motion for short order of notice	377	Image
06/27/2016	h's Motion to Continue	371	Image
06/28/2016	scheduling Order dated 2/25/16	362	Image
06/28/2016	Motion for temporary orders Denied 02/29/2016 File Reference # 344	363	Image
06/28/2016	Motion to disqualify h's counsel Denied 02/29/2016 File Reference # 349	365	Image
06/28/2016	Motion to continue Allowed 06/27/2016 File Reference # 371	372	Image
06/28/2016	Order of Contempt dated 6/27/16	373	Image
06/29/2016	Order dated 6/10/16 on paper #374	375	Image
06/29/2016	Order dated 6/24/16 on paper #377	378	Image
07/08/2016	Notice of Docket Entry from Appeals Court ORDERED, that the following entry be made on the docket: AMENDED JUDGMENT AFFIRMED	379	Image
08/01/2016	Pre-Trial Notice and Order Sent Event: Pretrial Conference Domestic and Equity Date: 09/20/2016 Time: 02:00 PM Result: Event Held	380	
08/01/2016	Motion: To Continue/Reschedule	381	Image
08/01/2016	Motion: For Short Order of Notice	383	Image
08/01/2016	Affidavit: Of Father in support of mot to continue	384	Image
08/03/2016	Order dated 8/1/2016 on paper #381	382	Image
08/15/2016	Subsequent Action Contempt Filed	385	Image
08/22/2016	Motion: For Attorney Fees by Wife	386	Image
08/24/2016	Summons Filed, Date of Service 08/16/2016	387	Image
08/29/2016	Motion To Amend answer & counterclaim	388	Image
08/29/2016	Motion To Consolidate Contempt dated 3/21/16 with Contempt dated 8/15/16	389	Image
09/13/2016	Motion To Compel keeper of the records, Nabnasset Lake country Club, to produce records	392	Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
09/19/2016	Motion For Short Order of Notice by father on motion to amend his complaint for modification	393	Image
09/19/2016	Affidavit Of Father in support of his motion for short order of notice on his motion to amend his modification	395	Image
09/19/2016	Motion For Short Order of Notice by father on his motion to preclude any further discovery or dispositions for the mother	396	Image
09/19/2016	Motion To by father to preclude any further discovery or depositions for the mother (defendant)	398	Image
09/19/2016	Affidavit Of by atty in support of fathers motion for short order of notice on his motion to preclude any further discovery or depositions for the defendant	400	Image
09/19/2016	Affidavit Of Father in support of his motion to preclude and further discover or depositions for the mother	399	Image
09/19/2016	Motion For Short Order of Notice by father of hearing on his motion to modify the restraining order	401	Image
09/19/2016	Motion To Modify Abuse Prevention Order with affidavit in support of father	403	Image
09/20/2016	James Elmore's Pretrial Memorandum	404	
09/20/2016	Motion To Amend mothers answer and counterclaim for modification	405	Image
09/20/2016	Affidavit Of Counsel of Miriam G Altman in support of motion for fees relating to contempt dated 3/21/16 supplemental	408	Image
09/20/2016	Financial Statement h	409	Image
09/20/2016	Financial Statement w	410	Image
09/20/2016	Pretrial Memorandum Applies To: Elmore, Carolyn S. (Plaintiff)	468	
09/21/2016	Motion To Amend fathers complaint for modification	412	Image
09/21/2016	Amended Complaint for modification filed by father Applies To: Panas, Esq., George Nicholas (Attorney) on behalf of Elmore, James (Plaintiff)	414	Image
10/03/2016	amended Answer to mod and amended counterclaim Applies To: Elmore, Carolyn S (Plaintiff)	416	Image
10/18/2016	Affidavit Of Mother relating to contempt dated 3/21/16	407	Image
10/18/2016	Motion To Continue/Reschedule pre trial conference ALLOWED on 05/23/2016 File Reference # 390	391	Image
10/18/2016	Motion For Short Order of Notice on fathers motion to amend his complaint for modification DENIED on 09/19/2016 File Reference # 393	394	Image
10/18/2016	Motion For Short Order of Notice on his motion to preclude any further discovery or depositions for the defendant DENIED on 09/19/2016 File Reference # 396	397	Image
10/18/2016	Motion For Short Order of Notice on hearing on fathers motion to modify the restraining order DENIED on 09/19/2016 File Reference # 401	402	Image
10/18/2016	Motion To Amend mothers answer and counterclaim for modification ALLOWED on 09/20/2016 File Reference # 405	406	Image
10/18/2016	Temporary /scheduling Order dated 9/20/16	411	Image
10/18/2016	Motion To Amend his complaint for modification ALLOWED on 09/21/2016 File Reference # 412	413	Image
10/24/2016	Motion To Dismiss 2 complaints for mod and counterclaim for mod and amended counterclaim for mod , and contempt joint	417	Image
10/26/2016	Motion For Joint Motion for Permission to file motion to dismiss	415	Image
11/21/2016	Motion To Dismiss 2 mods, counterclaim and amended counter claim, amended mod and contempt joint ALLOWED on 10/26/2016 File Reference # 417	418	Image
11/21/2016	Motion For permission to file motion to dismiss ALLOWED on 10/26/2016 File Reference # 415	419	Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
01/27/2017	Motion For permission to file contempt dated 1/26/17 Applies To: Altman, Esq., Miriam Goldstein (Attorney) on behalf of Elmore, Carolyn S. (Plaintiff)	435	Image
03/09/2017	Motion For permission to file contempt (2)	420	Image
03/20/2017	Subsequent Action Contempt Filed	422	Image
03/20/2017	Subsequent Action Contempt Filed	423	Image
03/20/2017	Motion For Permission ALLOWED on 03/13/2017-File Reference # 420	421	Image
04/03/2017	Amended Complaint for Contempt filed 4/3/17	424	Image
04/03/2017	Motion For permission to file modification mother	436	Image
04/07/2017	Summons Filed, Date of Service 03/30/2017	425	Image
04/07/2017	Summons Filed, Date of Service 03/30/2017	437	Image
04/10/2017	Answer to Complaint for Contempt (Alimony) dated 3/6/17	426	Image
04/10/2017	Answer to Complaint for Contempt (QDRO) dated 3/6/17	427	Image
04/12/2017	Summons Filed, Date of Service 04/05/2017	428	Image
04/27/2017	Subsequent Action for Modification filed (in plastic folder)	429	Image
04/27/2017	Summons issued on complaint for Modification.		
04/27/2017	Motion For Temporary Orders in plastic folder	430	Image
04/28/2017	Motion For Attorney Fees mother	439	Image
04/28/2017	Affidavit Of Mother	440	Image
05/01/2017	Affidavit in opposition to father's complaint for contempt (qdro) dated 3/6/17 mother	441	Image
05/01/2017	Motion For Attorney Fees mother	442	Image
05/01/2017	Motion To Dismiss contempt paper # 423 mother	444	Image
05/01/2017	Motion For Attorney Fees mother	446	Image
05/01/2017	Motion To Strike and exclude affidavit of mother father	448	Image
05/01/2017	Motion For Attorney Fees father	450	Image
05/02/2017	Answer to contempt Applies To: Panas, Esq., George Nicholas (Attorney) on behalf of Elmore, James (Defendant)	455	Image
05/19/2017	Motion For permission to file Complaint for Contempt and motion for attorney's fees	431	Image
06/04/2017	Opposition of father to mothers amended verified motion for temporary orders	461	Image
06/05/2017	Subsequent Action Contempt Filed	433	Image
06/05/2017	Answer to modification by father	457	Image
06/05/2017	Appearance by Attorney, George Nicholas Panas, Esq., Party Name James Elmore	458	Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
06/05/2017	Motion For Temporary Orders verified amended mother Applies To: Yasin, Esq., Mohammad Ahmad (Attorney) on behalf of Elmore, Carolyn S. (Plaintiff)	459	Image
06/05/2017	Motion To Continue/Reschedule Applies To: Altman, Esq., Miriam Goldstein (Attorney) on behalf of Elmore, Carolyn S. (Plaintiff)	462	Image
06/08/2017	Motion For permission to file Complaint for Contempt and motion for attorney's fees ALLOWED on 06/05/2017 File Reference # 431	432	Image
06/08/2017	Motion For Fees	434	Image
06/14/2017	Motion For permission to file modification and motion for temporary orders ALLOWED on 04/24/2017 File Reference # 436	438	Image
06/14/2017	Motion For Attorney Fees DENIED on 05/01/2017 File Reference # 442	443	Image
06/14/2017	Motion To Dismiss contempt dated 3/6/17 DENIED on 05/01/2017 File Reference # 444 mother	445	Image
06/14/2017	Motion For Attorney Fees DENIED on 05/01/2017 File Reference # 446	447	Image
06/14/2017	Motion To Strike and exclude affidavit of mother ALLOWED on 05/01/2017 File Reference # 448	449	Image
06/14/2017	Motion For Attorney Fees DENIED on 05/01/2017 File Reference # 450	451	Image
06/14/2017	Judgment/Decree of Dismissal on Complaint for Contempt filed 3/9/17 paper #422 entered on 05/01/2017 Related to File Reference # 422	452	Image
06/14/2017	Order of Contempt filed 3/9/17 dated 5/1/17 paper #423	453	Image
06/14/2017	Order of Contempt amended on 4/3/17 dated 5/1/17	454	Image
06/14/2017	Summons Filed, Date of Service 04/29/2017	456	Image
06/14/2017	Motion For Temporary Orders amended verified DENIED on 06/05/2017 File Reference # 459	460	Image
06/14/2017	Motion To Continue/Reschedule ALLOWED on 06/05/2017 File Reference # 462 mother	463	Image
06/29/2017	Summons Filed, Date of Service 06/12/2017	469	Image
07/03/2017	Answer to contempt filed 6/5/17	464	Image
07/24/2017	Motion To Continue/Reschedule Contempt from 8/14/17 to 9/18/17 (Joint)	470	Image
07/28/2017	Trial Scheduling Order dated 6/4/14	465	Image
07/28/2017	Motion To Continue/Reschedule Contempt from 8/14/17 to 9/18/17 ALLOWED on 07/24/2017 File Reference # 470	471	Image
07/28/2017	Order of Contempt dated 7/24/17	472	Image
07/28/2017	Judgment/Decree on Complaint for Contempt filed 3/9/17 entered on 07/24/2017 Related to File Reference # 423	473	Image
07/28/2017	Judgment/Decree on Complaint for Contempt Amended Complaint filed 4/3/17 entered on 07/24/2017 Related to File Reference # 424	474	Image
08/18/2017	Notice of Appearance of Carolyn S. Elmore, Pro Se	481	
09/13/2017	Motion To Approve QDRO (in plastic folder)	475	Image
09/18/2017	Motion For Attorney Fees Applies To: Elmore, Carolyn S. (Plaintiff)	477	Image
09/18/2017	Affidavit Of Mother in support attorneys fees	478	Image
09/18/2017	Financial Statement h	479	Image
09/25/2017	abuse prevention Order modified on 6/19/17 expires on 6/18/18	476	Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
09/25/2017	Order of Contempt dated 9/18/17	480	Image
10/17/2017	Motion For permission to file Complaint for Contempt	482	Image
10/19/2017	Subsequent Action Contempt Filed	484	Image
10/25/2017	Motion For permission to file Complaint for Contempt ALLOWED on 10/19/2017 File Reference # 482	483	Image
11/20/2017	Summons Filed, Date of Service 11/09/2017	486	Image
11/20/2017	Financial Statement Applies To: Elmore, James (Defendant)	489	Image
11/20/2017	Financial Statement Applies To: Elmore, Carolyn S. (Plaintiff)	490	Image
11/20/2017	father Motion To Dismiss contempt filed 9/25/17	487	Image
11/20/2017	father's Motion To quash subpoena	488	Image
11/20/2017	mother's Motion For Attorney Fees	491	Image
11/20/2017	Stipulation of the Parties	492	Image
11/22/2017	Motion For permission to file motion for attorney fees	485	Image
11/22/2017	father's Motion For Attorney Fees	494	Image
11/27/2017	Notice of Appearance of Carolyn S. Elmore, Pro Se	497	Image
Showing 1 to 500 of 683 << < 1 2 > >>			

Case Disposition

<u>Disposition</u>	<u>Date</u>	<u>Case Judge</u>
Judgment of Divorce Nisi	04/21/2015	Klug-Cafazzo, Hon. Terri L.

MI12D0926DR Elmore, Carolyn S. vs. Elmore, James

Case Type:
 Domestic Relations
 Case Status:
 Closed
 File Date
 03/07/2012
 DCM Track:
 Initiating Action:
 Divorce 1B
 Status Date:
 06/23/2015
 Case Judge:
 Klug-Cafazzo, Hon. Terri L.
 Next Event:

Property Information

All Information Party Subsequent Action/Subject Event Docket Disposition

Docket Information

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
11/27/2017	Financial Statement of H.	500	Image
11/27/2017	Financial Statement of W.	501	Image
11/29/2017	mother's Motion For Attorney Fees	496	Image
11/30/2017	Judgment/Decree on Complaint for Contempt filed 6/5/17 entered on 11/20/2017 Related to File Reference # 455 Judge: Bisenius, Hon. Theresa A	493	Image
11/30/2017	Motion For Attorney Fees DENIED on 11/29/2017 File Reference # 494 Judge: Bisenius, Hon. Theresa A	495	Image
11/30/2017	Judgment/Decree on Complaint for Contempt filed on 10/19/17 entered on 11/27/2017 Related to File Reference # 484 Judge: Bisenius, Hon. Theresa A	498	Image
11/30/2017	Motion For Attorney Fees DENIED on 11/29/2017 File Reference # 496 mother Judge: Bisenius, Hon. Theresa A	499	Image
12/13/2017	Motion To file motion to terminate abuse prevention order	503	Image
01/02/2018	Motion To Approve QDRO filed 1/2/2018 as of 9/13/2017 , (in plastic folder sent to Nick's mail box 1/8/17)	502	Image
01/19/2018	Motion To file motion to terminate abuse prevention order DENIED on 12/14/2017 File Reference # 503 Judge: Bisenius, Hon. Theresa A	504	Image
01/19/2018	Motion To Approve QDRO ALLOWED on 01/10/2018 File Reference # 502 in folder 6 of 6 Judge: Bisenius, Hon. Theresa A	505	Image
01/19/2018	Qualified Domestic Relations Order dated 01/10/2018, Elmore Patent Law Group, PC 401(k) Profit Sharing Plan Judge: Bisenius, Hon. Theresa A	506	Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
03/05/2018	Motion For Permission to file	507	Image
03/05/2018	Motion For Attorney Fees wife..... prose	508	Image
03/19/2018	Subsequent Action Contempt Filed	510	Image
03/21/2018	Motion For permission to file contempt ALLOWED on 03/19/2018 File Reference # 507 Judge: Bisenius, Hon. Theresa A	509	Image
03/23/2018	permission to Amend Complaint for Contempt dated 3/12/18 and motion for atty fees Motion For	511	Image
04/04/2018	Opposition to motion in limine to preclude statement	524	Image
04/05/2018	Motion For permission to amend the Complaint for Contempt DENIED on 04/02/2018 File Reference # 511	512	Image
04/25/2018	Answer to contempt filed by Applies To: Panas, Esq., George Nicholas (Attorney) on behalf of Elmore, James (Defendant)	513	Image
04/25/2018	Motion To Continue/Reschedule Applies To: Panas, Esq., George Nicholas (Attorney) on behalf of Elmore, James (Defendant)	514	Image
04/25/2018	Affidavit Of Counsel	515	Image
04/27/2018	Motion To Continue/Reschedule contempt filed 3/19/18 ALLOWED on 04/25/2018 File Reference # 514 Judge: Bisenius, Hon. Theresa A	516	Image
04/27/2018	Order of Contempt dated 4/25/18 Judge: Bisenius, Hon. Theresa A	517	Image
05/01/2018	Answer to counterclaim Applies To: Elmore, Carolyn S. (Plaintiff)	554	Image
05/03/2018	Motion For permission to file Complaint for Contempt and consolidation of Contempts	518	Image
05/15/2018	Subsequent Action Contempt Filed	520	Image
05/21/2018	Motion To file Complaint for Contempt ALLOWED on 05/15/2018 File Reference # 518	519	Image
05/22/2018	Motion In Limine to preclude statements ALLOWED on 04/04/2014 File Reference # 528 Judge: Gibson, Hon. Dorothy M	529	Image
05/22/2018	Motion For further temp orders ALLOWED on 04/11/2014 File Reference # 522 Judge: Gibson, Hon. Dorothy M	530	Image
06/04/2018	Summons Filed, Date of Service 03/27/2018	535	Image
06/04/2018	Answer to contempt filed on 5/12/18 Applies To: Panas, Esq., George Nicholas (Attorney) on behalf of Elmore, James (Defendant)	536	Image
06/04/2018	Financial Statement Applies To: Elmore, James (Defendant)	539	Image
06/04/2018	Financial Statement Applies To: Elmore, Carolyn S. (Plaintiff)	538	Image
06/04/2018	Answer to contempt Applies To: Panas, Esq., George Nicholas (Attorney) on behalf of Elmore, James (Defendant)	555	Image
06/05/2018	Fee Generating Appointment, Nicole C Armstrong, Esq. appointed as T Special Master On 06/05/2018 by Hon. Theresa A Bisenius Reason: Appointee has particular subject matter knowledge	534	

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
06/12/2018	Answer to contempt (can't counterclaim) Applies To: Panas, Esq., George Nicholas (Attorney) on behalf of Elmore, James (Defendant)	537	Image
06/12/2018	Order on contempt's filed 3/19/18 and 5/15/18 Judge: Bisenius, Hon. Theresa A	540	Image
06/15/2018	Summons Filed, Date of Service 05/29/2018	541	Image
07/18/2018	Motion For permission to file	542	Image
07/23/2018	father's Motion For short order of notice on 2 motions	544	Image
07/23/2018	father's Motion For Parenting Time	545	Image
08/07/2018	joint Motion To Continue/Reschedule and advance	546	Image
08/15/2018	Motion For permission to file motion for short order of notice, and motion for parenting time ALLOWED on 07/23/2018 File Reference # 542 Judge: Bisenius, Hon. Theresa A	543	Image
08/15/2018	Motion To Continue/Reschedule and advance ALLOWED on 08/08/2018 File Reference # 546 Judge: Bisenius, Hon. Theresa A	547	Image
08/15/2018	Order of Contempt dated 8/8/18 Judge: Bisenius, Hon. Theresa A	548	Image
08/15/2018	Order of Contempt dated 8/8/18 Judge: Bisenius, Hon. Theresa A	549	Image
10/01/2018	joint Motion To Continue/Reschedule contempt	550	Image
10/04/2018	Motion To Continue/Reschedule contempt ALLOWED on 10/01/2018 File Reference # 550 Judge: Gargas, Hon. Melanie J	551	Image
10/04/2018	Order of Contempt dated 10/01/18 continued to 12/17/18 Judge: Gargas, Hon. Melanie J Judge: Gargas, Hon. Melanie J	552	Image
10/04/2018	Order of Contempt dated 10/1/18 continued to 12/17/18 Judge: Gargas, Hon. Melanie J	553	Image
12/12/2018	Report: Master's special masters	575	Image
12/14/2018	Objection of plaintiff to special master's report dated 12/12/18	556	Image
12/14/2018	Objection to special master's report Applies To: Elmore, Carolyn S. (Plaintiff)	576	Image
12/17/2018	amended Motion For Attorney Fees Applies To: Elmore, Carolyn S. (Plaintiff)	557	Image
12/17/2018	Notice of Appearance of Carolyn S. Elmore, Pro Se	558	Image
12/17/2018	Financial Statement Applies To: Elmore, James (Defendant)	559	Image
12/17/2018	Financial Statement Applies To: Elmore, Carolyn S. (Plaintiff)	560	Image
12/24/2018	Order of Contempt dated 12/17/18 Judge: Gargas, Hon. Melanie J	561	Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
12/24/2018	Motion For Attorney Fees as to Father's Motion For Clarification	582	Image
12/24/2018	Order of Contempt dated 12/17/18 Judge: Gargas, Hon. Melanie J	562	Image
12/24/2018	Motion For permission to file Applies To: Elmore, Carolyn S. (Plaintiff)	563	Image
12/24/2018	Opposition to 2-99	564	Image
12/24/2018	Motion To Strike Motion For Clarification of Amended Judgment & Concise Statement of Facts & Law	581	Image
12/28/2018	Motion For Permission to file	565	
01/02/2019	Subsequent Action Contempt Filed	566	Image
01/14/2019	W's Answer to Contempt	567	Image
01/24/2019	Motion For permission to file	568	Image
01/24/2019	Motion For permission to file ALLOWED on 01/24/2019 File Reference # 568	569	Image
01/24/2019	Temporary Order dated: 01/24/2019 Judge: Gargas, Hon. Melanie J	570	Image
01/24/2019	Motion To Dismiss	571	Image
01/24/2019	Motion To quash subpoena/motion for protective order	572	Image
01/28/2019	Order dated 12/28/18 on paper #565 Judge: Gargas, Hon. Melanie J	573	Image
02/12/2019	Opposition to verified motion to dismiss complaint for contempt filed on: 01/02/2019	574	Image
02/22/2019	Motion To Dismiss contempt filed 1/2/19 DENIED on 02/13/2019 File Reference # 571	577	Image
02/22/2019	Temporary Order dated 2/13/19 Judge: Gargas, Hon. Melanie J	578	Image
02/22/2019	Order of Contempt on 5 contempt 3/19/18 thru 5/15/18 dated 2/13/19 Judge: Gargas, Hon. Melanie J	579	
02/22/2019	Order of Contempt dated 2/13/19 Judge: Gargas, Hon. Melanie J	580	Image
02/22/2019	Exhibit(s) Filed in Case 19-02		
03/11/2019	Summons Filed, Date of Service 02/22/2019	583	Image
04/05/2019	Motion For Permission To File	584	Image
04/12/2019	Motion For Permission to file	585	Image
04/16/2019	Opposition Motion for Permission to File Motion for Reissue Summons for Contempt Filed 01/02/2019 (without folder)	586	Image
05/01/2019	plaintiff James F Elmore's Motion To re-issue contempt summons Applies To: Elmore, James (Defendant)	588	Image
05/03/2019	Motion For permission to file motion to quash	587	Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
05/09/2019	Motion To Advance Applies To: Elmore, James (Defendant); Panas, Esq., George Nicholas (Attorney) on behalf of Elmore, James (Defendant)	597	Image
05/14/2019	Motion To Amend contempt filed 1/2/19 Applies To: Panas, Esq., George Nicholas (Attorney) on behalf of Elmore, James (Defendant)	589	Image
05/14/2019	Order dated 05/01/2019 on paper #584 , motion for permission to file amended complaint for contempt	590	Image
05/14/2019	Motion To Amend contempt ALLOWED on 05/01/2019 File Reference # 589	591	Image
05/14/2019	Motion To re-issue contempt summons DENIED on 05/01/2019 File Reference # 588	592	Image
05/14/2019	Motion For permission to file motion to reissue contempt summons DENIED on 05/01/2019 File Reference # 585	593	Image
05/14/2019	Motion For permission to file verified motion to quash second document subpoena to keeper of the records joseph a richmond ALLOWED on 05/06/2019 File Reference # 587 Judge: Gargas, Hon. Melanie J	594	Image
05/16/2019	Event Resulted: Motion scheduled on: 05/16/2019 08:30 AM Has been: Event Held Hon. Melanie J Gargas, Presiding		
05/21/2019	mother's verified Motion To quash second document subpoena to keeper of the records	595	Image
05/21/2019	Motion To quash second document subpoena to keeper of the records ALLOWED on 05/16/2019 File Reference # 595 Judge: Gargas, Hon. Melanie J	596	Image
05/28/2019	Motion To Advance ALLOWED on 05/09/2019 File Reference # 567 Judge: Gargas, Hon. Melanie J	598	Image
06/11/2019	Event Resulted: Trial 1 Day scheduled on: 06/11/2019 08:30 AM Has been: Event Held Comments: JMT Hon. Melanie J Gargas, Presiding		
06/11/2019	Agreement Dated 06/11/2019 on contempt filed on 3/19/18, contempt filed on 5/15/18, and contempt filed on 1/2/19	599	Image
06/12/2019	Appeal Period Expired - Retrieval Notice Sent 19-02		Image
06/21/2019	Judgment/Decree of Dismissal on Complaint for Modification filed 4/27/17 entered on 06/11/2019 Related to File Reference # 429	600	Image
06/21/2019	Judgment/Decree on Complaint for Contempt filed on 3/19/18 entered on 06/11/2019 Related to File Reference # 510	601	Image
06/21/2019	Judgment/Decree on Complaint for Contempt filed 5/15/18 entered on 06/11/2019 Related to File Reference # 520 Judge: Gargas, Hon. Melanie J	602	Image
06/21/2019	Judgment/Decree on Complaint for Contempt filed on 12/19 entered on 06/11/2019 Related to File Reference # 566 Judge: Gargas, Hon. Melanie J	603	Image
08/12/2019	Exhibits Destroyed as Not Claimed		
05/03/2021	Motion For Permission to File WOF	604	Image
05/06/2021	Subsequent Action for Modification filed	606	Image
05/17/2021	Motion For permission to file ALLOWED on 05/06/2021 File Reference # 604 Judge: Klug-Cafazzo, Hon. Terri L.	605	Image
05/17/2021	Summons issued on complaint for on complaint for modification filed 5/6/21.		

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
05/18/2021	Summons issued on complaint for Modification.		
06/02/2021	Answer and Counterclaim	607	Image
06/02/2021	Request	608	Image
06/07/2021	Motion To Dismiss Counterclaim to Modification	646	Image
06/09/2021	Summons Filed, Date of Service 06/01/2021	609	Image
06/09/2021	Motion For Permission to File	610	Image
06/11/2021	Pre-Trial Notice and Order Sent Judge: Klug-Cafazzo, Hon. Terri L. Event: Pretrial Conference Domestic and Equity Date: 08/12/2021 Time: 12:00 PM Result: No Action Taken: No Judgmen/Decree/Order Issued	611	
06/29/2021	Defendants Motion For Permission to File	612	Image
07/09/2021	Motion For Permission to File	613	Image
07/23/2021	Motion For Permission to File Motion to Compel and Motion for Attorneys Fees w/o file	614	Image
08/05/2021	Motion For Permission to File MOT to Dismiss Defendant's Counterclaim ALLOWED on 07/23/2021 File Reference # 610	615	Image
08/05/2021	Motion For Permission to File Defendant's MOT to Continue Pre-Trial Conference Scheduled 08/12/2021 DENIED on 07/23/2021 File Reference # 612	616	Image
08/05/2021	Motion For Permission to File MOT to Compel Plaintiff DENIED on 07/23/2021 File Reference # 613	617	Image
08/09/2021	Carolyn S. Elmore's Pretrial Memorandum ***** Impounded *****	618	Image
08/09/2021	Carolyn Elmore's Motion For Permission to File MOT to Impound	619	Image
08/09/2021	Defendant's Opposition to MOT to Dismiss & for Attorney Fees	620	Image
08/09/2021	Affidavit Of Defendant In OPP to Plaintiff's MOT to Dismiss	621	Image
08/09/2021	Affidavit Of Counsel as to Defendant's OPP to Plaintiff's MOT to Dismiss	622	Image
08/09/2021	Defendant's Opposition to Plaintiff's MOT to Quash Subpoena ***** Impounded *****	623	Image
08/09/2021	Affidavit In OPP to MOT to Quash ***** Impounded *****	624	Image
08/09/2021	Affidavit Of Counsel as to Defendant's OPP on MOT to Quash Subpoena	625	Image
08/09/2021	Affidavit Of Counsel Miriam G. Altman, Esq.	626	Image
08/09/2021	Financial Statement Applies To: Elmore, Carolyn S. (Plaintiff)	627	Image
08/09/2021	James Elmore's Pretrial Memorandum	628	Image
08/09/2021	Financial Statement	629	Image
08/09/2021	W's Opposition to motion to compel	648	Image
08/09/2021	Motion To Continue/Reschedule trial date	649	Image
08/12/2021	Motion To Impound pleadings	660	Image
08/20/2021	Motion For Permission to File	630	Image
08/24/2021	Opposition	631	Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
08/25/2021	Motion For permission w/o file	632	Image
08/26/2021	Opposition	633	Image
08/27/2021	Motion For wife to have permission to file mot for Atty fees	652	Image
08/27/2021	Motion For permission to file motion for FOF & Conclusions of Law	654	Image
08/27/2021	Motion For Findings of Fact & Conclusions of Law	656	Image
10/06/2021	Motion For Permission to File WOF	634	Image
10/06/2021	Motion For Permission to file WOF	635	Image
10/06/2021	Motion For Permission to File DENIED on 10/06/2021 File Reference # 634 WOF	636	Image
10/06/2021	Motion For Permission to File DENIED on 10/06/2021 File Reference # 635 Judge: Klug-Cafazzo, Hon. Terri L.	637	Image
10/27/2021	Case Taken Under Advisement: Trial 2 Hours scheduled on: 10/27/2021 02:00 PM Has been: Under Advisement Hon. Terri L. Klug-Cafazzo, Presiding		
10/27/2021	Notice of W's written offer of proof at trial as to expert witnesses	658	Image
11/24/2021	Defendant's Updated Motion For Attorney Fees WOF	638	Image
11/24/2021	Defendant's Memorandum in Support of Motion for Attorney's Fees WOF	639	Image
11/24/2021	Affidavit Of Counsel Fees WOF	640	Image
01/18/2022	Opposition to Second Amended Proposed Judgement WOF	641	Image
01/25/2022	Opposition w/o file	642	Image
02/15/2022	Motion For permission to file emergency motion in limine re expert witnesses DENIED on 08/27/2021 File Reference # 630 Judge: Klug-Cafazzo, Hon. Terri L.	643	Image
02/15/2022	Motion For for permission to file motion to suspend trial DENIED on 08/27/2021 File Reference # 632 Judge: Klug-Cafazzo, Hon. Terri L.	644	Image
02/15/2022	Motion For Attorney Fees DENIED on 02/03/2022 File Reference # 638 Judge: Klug-Cafazzo, Hon. Terri L.	645	Image
02/15/2022	Motion To Dismiss Counterclaim DENIED on File Reference # Judge: Klug-Cafazzo, Hon. Terri L.	647	Image
02/15/2022	Motion To Continue/Reschedule trial date DENIED on 08/12/2021 File Reference #	650	Image
02/15/2022	Motion For permission to file motion to impound ALLOWED on 08/12/2021 File Reference # 619 Judge: Klug-Cafazzo, Hon. Terri L.	651	Image
02/15/2022	Motion For permission to file motion for atty fees only ALLOWED on 08/28/2021 File Reference # 652	653	Image
02/15/2022	Motion Passed permission to file FOF ALLOWED on 08/27/2021 File Reference # 654	655	Image
02/15/2022	Motion For Findings of Fact & Conclusions of Law ALLOWED on 08/27/2021 File Reference # 656	657	
02/15/2022	Judgment/Decree on Complaint for Modification entered on 02/04/2022 Related to File Reference # 606	659	Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
02/15/2022	Motion To Impound as to Items 1, 2 & 3 will be impounded ALLOWED on 08/12/2021 File Reference # 660 Judge: Klug-Cafazzo, Hon. Terri L.	661	Image
02/22/2022	Carolyn S. Elmore's Pretrial Memorandum filed 08/09/2021 ***** Impounded *****	618	
02/22/2022	Images Not Available for Public View, E# 618		Image
02/22/2022	Carolyn S. Elmore's Opposition to James F Elmore's Motion to Quash Subpoena / For Protective Order / for Attorneys's Fees and to Stay Discovery Filed 08/09/2021 ***** Impounded *****	623	
02/22/2022	Images Not Available for Public View, E# 623		Image
02/22/2022	Affidavit Of Carolyn S. Elmore, in Opposition to James F Elmore's Motion to Quash Subpoena / For Protective Order / for Attorneys's Fees and to Stay Discovery Filed 08/09/2021 ***** Impounded *****	624	
02/22/2022	Images Not Available for Public View, E# 624		Image
02/23/2022	Motion For Permission to File	662	Image
02/23/2022	Motion For Permission to File filed 02/23/2022 ALLOWED on 02/23/2022 File Reference # 662	663	Image
02/23/2022	Defendant's Motion Passed New Trial	664	Image
02/23/2022	Defendant's Concise Statement of Facts and Law in Support of Defendant's Motion for New Trial	665	Image
03/02/2022	Opposition	666	Image
03/07/2022	Defendant, Carolyn Motion For Permission to File Defendant's Replay to Plaintiff's Opppsition w/o File	667	Image
03/07/2022	Action on Appeal as follows: Notice of Appeal by Elmore, Carolyn S Judgment/Decree on Complaint for Modification entered on 02/04/2022 Related to File Reference # 606	668	Image
03/24/2022	Motion For New Trial DENIED on 03/15/2022 File Reference # 664	669	Image
03/24/2022	Motion For Permission to File DENIED on 03/15/2022 File Reference # 667	670	Image
03/29/2022	Action on Appeal as follows: Notice of Appeal by Elmore, Carolyn S. Motion For New Trial DENIED on 03/15/2022 File Reference # 664 Motion For Permission to File DENIED on 03/15/2022 File Reference # 667	671	Image
04/05/2022	Action on Appeal as follows: Transcript Received	672	
04/06/2022	Action on Appeal as follows: Notice of Assembly of Record	673	

Showing 501 to 683 of 683

<< 1 2 >>

COMMONWEALTH OF MASSACHUSETTS
TRIAL COURT

MIDDLESEX, ss

DOCKET NO. 12D 0926

JAMES ELMORE, Plaintiff

v.

CAROLYN ELMORE, Defendant

FURTHER TEMPORARY ORDER

After hearing the Court enters the following Further Temporary Orders:

1. Neither party may file any further Motions or Complaints except as set forth below prior to the Trial.

2. Mother has filed the following Motions and Complaints which are pending:

- a. Motion to Compel KOR of Nabnasset Lake Country Club
- b. Complaint for Contempt filed on August 15, 2016
- c. Complaint for Contempt filed on April 11, 2016
- d. Motion to Amend Answer
- e. Motion for Attorney's Fees filed August 22, 2016
- f. Motion for Attorney's Fees filed on June 23, 2016

3. Mother's counsel has also filed a Supplemental Affidavit in support of fees for the April 11, 2016 Contempt on September 20, 2016 and Mother has filed an Affidavit in Support of her April 11, 2016 Contempt. Mother's counsel has requested that she be allowed to file another Supplemental Affidavit in Support of her request for fees for the August 15, 2016 and an Affidavit from Mother in support of this Contempt.

4. Father has filed the following Motions, which he just provided to Mother's counsel, which are pending:

- a. Motion to Preclude Further Discovery or Depositions
- b. Motion to Amend his Complaint for Modification
- c. Motion to Modify the 209A Order

5. Mother has requested permission to file Oppositions to all of Father's Motions.

6. Mother's Complaints for Contempt shall be consolidated with the Complaint for Modification and Counterclaim and will be heard at the trial on the merits. The hearing on

9/21/16

411

September 26, 2016 is cancelled. In the event that there are additional violations of the allegations raised in the existing two Complaints for Contempt that have occurred after the filing through the date of trial then Mother shall file a detailed Affidavit with the Court, with a copy to Father's counsel, three weeks prior to trial. In addition Mother's counsel may file a Supplemental Affidavit of Fees and provide a copy to Father's counsel. Mother may not file any further Affidavits regarding the August 22, 2016 Contempt. The Court shall rely on Mother's testimony and the Exhibits presented at Trial.

7. Mother and Father's Motions to Amend their Complaints have been allowed administratively by the Court.

8. The Motion to Modify the 209A will not be heard. The Court is unable to schedule, 2016 and the Court does not find there is an emergency. Additionally at the hearing today Mother indicated that she would not be attending the Memorial Service.

9. Father's Motion to Preclude Further Discovery shall be submitted to the Discovery Master by September 26, 2016. Mother may file a written Opposition to the Motion by October 6, 2016 and submit it to the Discovery Master and Father's counsel. The Master shall file his written recommendations as to this issue with the Court.

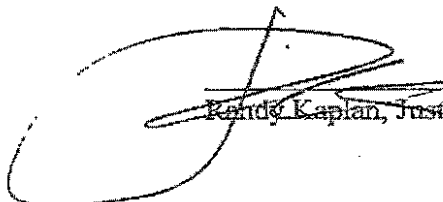
10. On Mother's Motion to Compel KOR Deposition for Nabnasset Lake Country Club Father's counsel shall file with the Court any written Opposition to the Motion by October 3, 2016 (sent to the Court by fax at 617-374-0099). The Court will then address the Motion Administratively.

11. The matter was scheduled today for a Pre-Trial Conference but neither party has completed their discovery. By October 3, 2016 each party will provide the Discovery Master detailed list of outstanding discovery and the opposing party will file a written response with the Discovery Master by October 14, 2016. There will be no further responsive pleadings filed with the Master unless he gives the parties written permission. The Master will file with the Court any of his written recommendations on discovery.

12. The Court will not reschedule the Pre-Trial Conference until Discovery is completed. The Master shall notify the Court in writing (via fax) when all discovery is completed to his satisfaction. The Court will then contact counsel to find a mutually agreeable date for the Pre-Trial. At least seven days prior to the Pre-Trial counsel must meet and exchange detailed Proposed Judgments and their Pre-Trial Memos. The parties do not have to be present at the meeting but must be available by phone so that they can participate in settlement discussions. At the Pre-Trial they will submit their Proposed Judgments and a statement of any agreement on any issues.

Date:

9/20/16


Randy Kaplan, Justice

**COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT DEPARTMENT**

MIDDLESEX, SS

DOCKET NO. MI 12D0926 DR

James Elmore, Plaintiff

vs.

Carolyn S. Elmore, Defendant

MODIFICATION JUDGMENT

(On Complaint for Modification filed May 6, 2021, and Counterclaim filed June 6, 2021)

All persons interested having been notified in accordance with the law, this matter came on for trial before the Court, Cafazzo, J. on August 12, 2021, August 17, 2021, and October 27, 2021, both parties appeared represented by counsel. Exhibits 1-8 were entered into evidence and both parties testified.

After hearing and evaluating all credible, relevant evidence and drawing all reasonable inferences therefrom, **IT IS HEREBY ORDERED AND ADJUDGED THAT:**

1. **Father's child support obligation for Nekisha Elmore, born February 12, 2001, is terminated as of February 12, 2022.**
2. **Father's child support payments in the amount of \$347.00 per week from June 1, 2021 (the date of service of the Complaint for Modification) until February 12, 2022, shall be reduced to \$74.00 per week for one child over 18 years of age pursuant to the child support guidelines in affect at that time of the service of the Complaint for Modification.**
3. **Mother shall pay Father \$9,555.00 within 30 days of this judgment which is the amount Father overpaid in child support for 35 weeks (6/1/2021 to 2/4/2022) in the amount of \$273.00 per week (the difference between \$347.00 and \$74.00). Father shall pay one more week in child support at \$74.00 per week or shall be deducted from the amount owed from Mother to Father.**
4. **Alimony payments to Father shall not be terminated or reduced and remain the same.**
5. **Mother's life insurance obligation shall not be terminated or reduced and remain in effect.**

12/7/2020

6. Each party is responsible for their own attorney's fees.

Prior judgment not herein modified shall remain in full force and effect.

RELEVANT PROCEDURAL BACKGROUND

1. The Complaint for Modification was filed on May 6, 2021, by Plaintiff/Father and served on the Defendant/Mother on June 1, 2021.
2. The Defendant/Mother filed an Answer and Counterclaim on June 6, 2021. 21, 2014.
3. In this modification action, Father requests the Court to modify the June 11, 2015, as of April 21, 2014, Amended Judgment of Divorce by reducing and or terminating Father's child support obligation.
4. In Mother's counterclaim she seeks to terminate or reduce her alimony obligation and terminate or reduce her life insurance obligation.
5. The Amended Divorce Judgment provides the following:
 - a. The Mother's "normalized income" from her business, as established by the Father's business expert, (under the 2015 Amended Divorce Judgment) is \$350,000 annually.
 - b. The Court imputed \$27,000 annual income (\$520.00 per week) to the Father, who was unemployed.
 - c. The Mother was ordered to pay the Father \$2,049.81 weekly alimony.
 - d. The Father was ordered to pay \$347.00 weekly to the Mother for child support for two unemancipated children.
 - e. As a division of assets, the Mother was assigned her business valued at \$2.46 million by the Father's business expert based on the income capitalization method on her business profit, and the Mother was ordered to make a payment to the Father to equalize the assets in the amount of \$1,073,396.16 paid over a 10-year period, with 2% annual interest: and
 - f. The Mother was ordered to maintain \$550,000 in life insurance for the benefit of the Father so long as she had an alimony obligation.

FINDINGS OF FACT AND RATIONALE

EMANCIPATION AND CHILD SUPPORT

6. The Court finds that Jasmine Elmore born September 26, 1997, was emancipated on September 26, 2020, and was undisputed at trial.
7. Father continued to pay child support in the amount of \$374.00 after the emancipation of Jasmine on September 9, 2020.
8. The Court finds Nekisha Elmore born February 12, 2001, is emancipated as of February 21, 2022, when she turns 21 years old.
9. Nekisha graduated from high school in 2019.
10. Nekisha is not enrolled in college.
11. Father testified credibly that he talks to Nekisha at least two times a week.
12. Father testified credibly that he learned from Nekisha that she was working full time at Tavern on the Square in Littleton, Massachusetts as a food runner.
13. Mother testified that Nekisha had been working at Tavern on the Square for one year as of August 27, 2021,
14. Father testified credibly that Nekisha left that job because she was not happy working there.
15. At the time of trial Nekisha was only working part time at a diner.
16. The Court finds Nekisha has the ability to work full time, has worked full time in the past but chooses to only work part time.
17. Father testified credibly that he knows of no medical condition, diagnosis, or mental impairments that would prevent Nikisha from working full time.
18. Mother did testify Nekisha was adopted by the parties and the biological mother had substance abuse and mental health issues and Nekisha was born with cocaine in her

blood, however; nothing was offered as evidence to show that it impacts Nikisha today or prevents her from working full time.

19. Mother testified that Nekisha pays for her auto repairs, gas, clothing, some food, entertainment, and her vacations.

20. Mother further testified that she pays for Nekisha's cell phone, some food, and her car insurance.

21. Nekisha still resides with Mother.

ALIMONY

22. The Court finds Father's Financial Statement (Exhibit 2) filed with the Court on August 12, 2021, to be true and accurate.

23. The Court finds Mother's Financial Statement (Exhibit 3) filed with the Court on August 12, 2021, to be true and accurate.

24. Father's income as reflected on his Financial Statement is \$22,054.24 annually not including alimony. The Court finds Father's income is less than the imputed income of \$27,000.00 at the time of the Amended Judgment of Divorce.

25. The Court finds that Father is a real estate agent working 15 to 20 hours a week.

26. The Court finds that Father's 1099 (Exhibit 5) from Coldwell Banker accurately reflects the income he receives as a real estate agent.

27. The Court does not find that the Father's income from commissions for the sales of real estate as an agent should be greater than reflected on his 1099. Mother suggests that based on the values of the properties he markets on behalf of Caldwell Banker his commissions should be greater. The Court notes that the 1099 was compiled and produced by Coldwell Banker.

28. The Court finds that Father purchased two rental properties , one at 86 Corbett Street in Lowell and one at 255 North Road, Unit 146 in Chelmsford. These properties were purchased with the equalization payments Father receives as his share of the martial assets.
29. The Court finds Father's Financial Statement accurately reflects that he does not earn income from his rental properties.
30. The Court declines to disregard the depreciation Father took on his rental properties as reflected on his Financial Statement in the amount of \$11,916.84 and include that amount in Father's income.
31. The Court finds Father also purchased real estate at 25 Mission Road in Chelmsford in January 2019 for \$250,000.00.
32. Father put \$15,000.00 down on the property.
33. In August 2019, Father obtained a special permit to renovate 25 Mission Road.
34. The property was sold in 2020 for \$679,900.00.
35. Father testified that after costs of renovations he made approximately \$25, 000.00.
36. Father's Financial Statement (Exhibit 2) states that his 2020 gross income was \$152,677.12 which he testified includes his alimony, self-employment income (commissions) and capital gain income. The Court finds that Father's alimony received in 2020 was \$106,590.12. If you deduct the alimony payments in the amount of \$106,590.12 from \$152,677.12 it equals \$46,087.50. If you deduct Father's income of \$22, 054.24 as reflected on his Financial Statement from \$46,087.50 it equals \$24,033.26 which Father credibly testified, he had a one-time capital gain for that year of approximately \$25,000.00.


37. Father also owns 26 Highland Avenue, Chelmsford which he received as part of the division of marital assets pursuant to the divorce.
38. Father purchased a fourth property located at 17 Rockwood Lane in Lawrence, Massachusetts in July 2021 using his equalization payments from Mother.
39. Father testified he obtained a building permit to build on his Rockwood Lane, Lawrence property.
40. Father obtained a mortgage for 17 Rockwood Lane, Lawrence property, which mortgage had a rehabilitation rider for purposes of rehabilitating the property.
41. Father testified he intends to rehabilitate his Rockwood Lane, Lawrence property in accordance with the rehabilitation rider to the mortgage
42. Mr. Elmore purchased his Rockwood Lane, Lawrence property for \$300,000, and took a mortgage with a “rehabilitation rider” for around \$356,876.
43. Mother’s income as reflected on her Financial Statement (Exhibit 3) is \$935,054.12 annually. The Court finds Mother’s income is much greater than the income of \$350,000.00 used at the time of the Amended Judgment of Divorce to calculate alimony.
44. The Court finds that there was a disparity in the parties’ income at the time of the Amended Divorce Judgment.
45. The Court finds that there continues to be a disparity in the parties’ current income.
46. The Court does not find a material change in circumstances in Father’s income to warrant a reduction in alimony.
47. The Court finds that Mother continues to have the ability to pay alimony based on her income as reflected on her Financial Statement.

48. The Court finds that Father's expenses at the time of trial were \$2,727.50 a week as reflected on his Financial Statement (Exhibit 2) which includes mortgages and weekly expenses.
49. The Court finds at the time of the Amended Judgment of Divorce Father's weekly expenses were found by the Court to be \$2,126.41.
50. Father lists on page 8 of his August 6, 2021, Financial Statement: "Amex debt incurred in 2021 of \$1,500.00" and states "he is making weekly payments of \$528.00." The Court finds that paying down the Amex liability at the rate of \$528.00 a week, would result in the liability having been paid in its entirety within three weeks of August 6, 2021, which was shortly after the second day of trial. If the Court subtracts \$528.00 weekly from Father's weekly expenses, Father's weekly expenses would be \$2,199.50 which is approximately the same as his expenses at the time of the Amended Judgment of Divorce.
51. The Court further finds that if an additional adjustment in Father's expenses is made by deducting child support in the amount of \$347.00 per week, Father's weekly expenses would be \$1,852.50 per week which would only be a \$273.91 per week decrease in Father's expenses since the Amended Divorce Judgment.
52. The Court does not find \$273.91 a week decrease in expenses to be significant.
53. The Court does not find a material change in circumstances relative to Father's current need for alimony warranting a reduction or termination of alimony.

General term alimony may be modified upon showing a material change in circumstances warranting modification. M.G.L.c. 28, §49(e). "A party seeking to modify an existing alimony award 'must demonstrate a material change of circumstances since the entry of

the judgment'." Emery v. Sturtevant, 91 Mass.App.Ct. 502, 507 (2017). Mother failed to meet the burden of proof by preponderance of the evidence that there has been a material change of circumstances since the entry of the Amended Judgment of Divorce warranting a modification of alimony.

Date: Feb. 4, 2022


Terri Klug Cafazzo, Justice of the
Middlesex Probate and Family Court

Certification Pursuant To Mass. R. App. P. 16(k)

I certify that this document complies with the relevant rules of court pertaining to the preparation and filing of briefs. Those rules include Mass. R. App. P. 16(a)(13) (addendum); Mass. R. App. P. 16(e) (references to the record); Mass. R. App. P. 18 (appendix to the briefs); Mass. R. App. P. 20 (form and length of briefs, appendices, and other documents); Mass. R. App. P. 21 (redaction).

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Commonwealth of Massachusetts

Middlesex, SS.

Supreme Judicial Court
No.

Appeals Court
No. 2022-P-0356

James Elmore
Plaintiff/Appellee

v.

Carolyn Elmore
Defendant/Appellant

Certificate of Service

I certify that on July 8, 2022, I served the attached application for direct appellate review by sending it through the eFileMA system to:

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