

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Department of Public Health,
Petitioner,

No. PHNA-24-0541

Dated:

v.

Marie Louifaite,
Respondent.

ORDER OF DISMISSAL

At a September 2024 conference, the parties agreed on a date for an evidentiary hearing and a deadline for prehearing submissions. When they missed the latter deadline, I issued an order stating that the matter was likely to be decided based on failure to prosecute or default. The parties then reported that they had “agreed on alternative discipline,” had prepared a “settlement agreement,” and were “just awaiting its execution.” The parties requested “a stay of further proceedings . . . [to] complete [the] settlement paperwork and then effect withdrawal of the appeal.” On January 30, 2025, I allowed the request, stayed the matter for thirty-five days, and added: “If the appeal is not withdrawn by then, it is likely to be dismissed without additional notice based on mootness or failure to prosecute.”

The stay has ended. The parties have not requested an extension, moved to withdraw the appeal, or made any other request or submission. It is clear that no live controversy is being litigated. *See* 801 C.M.R. § 1.01(7)(g)(2); *Fannie Mae v. Branch*, 494 Mass. 343, 347-48 (2024). Accordingly, it is hereby ORDERED that this matter is DISMISSED.

Division of Administrative Law Appeals

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate