

Commonwealth of Massachusetts

Plymouth, SS.

Supreme Judicial Court  
No.

Appeals Court  
No. 2025-P-0692

Rockland Trust Company  
*Plaintiff and Defendant in Counterclaim*

v.

Robert Langone  
*Defendant and Plaintiff in Counterclaim*

**Application For Direct Appellate Review**

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Prior to the start of oral argument on February 7, 2017 during Langone’s most recent trip to this Court, Chief Justice Gants referred to this case as the “Bleak House case . . . [t]he case that never ends”.<sup>1</sup> More than eight years after that accurate assessment, and more than forty-one years after the relatively inconsequential events giving rise to the present action, the case continues.

Pursuant to Rule 11(a) of the Massachusetts Rules of Appellate Procedure, Robert Langone, the appellee/cross-

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<sup>1</sup> <https://www.youtube.com/watch?v=nc8jobcRMbM>, referencing *Bleak House*, a novel by Charles Dickens.

appellant in the above case, moves for leave to obtain direct appellate review of the subject matter. In support thereof, he states that the issue set forth below raises an important unsettled question of law that this Court should address.

**A. Statement Of Prior Proceedings**

The trial court docket has more than five-hundred entries, stemming from a simple collection matter that Rockland Trust first filed against Langone in the Hingham District Court in 1991. Rockland Trust sued Langone as guarantor of two promissory notes of a defunct company, Aunyx, Corp.

For purposes of this application, Langone will rely on the description of the procedural history set forth in the decision of the District Court Appellate Division, which is as follows:

The tortuous history of the civil action underlying this appeal arises from a decades long attempt by Rockland Trust to collect alleged debts from Langone, on loans made to a defunct corporation, Aunyx Corporation (“Aunyx”). Rockland Trust Commenced its first civil action in the Hingham District Court against Aunyx and Langone on July 25, 1991. That case was, subsequently, dismissed on January 8, 1993 by agreement of the parties.

Some ten years later, Rockland Trust commenced a second civil action in the Hingham District Court against

Langone on November 20, 2003, seeking payment of the two alleged promissory notes that were the subject of the previously dismissed civil action. Langone asserted a counterclaim against Rockland Trust for unfair and deceptive acts and practices. Thereafter, a bench trial occurred on December 15, 2006. Following that trial, judgment in favor of Rockland Trust was entered in the total amount of \$63,827.29 on January 5, 2007.

Langone filed a motion for relief from judgment pursuant to Rule 60(b) of the Massachusetts Rules of Civil Procedure on October 4, 2010. That motion was not heard until July 17, 2014. The court allowed the motion on August 8, 2014, through which the judgments against Langone were vacated. Rockland Trust, subsequently, appealed the allowance of the motion for relief from judgment.

Rockland Trust withdrew its appeal and filed a motion for clarification of the court's allowance of the motion for relief from judgment. The court clarified its decision by affirming that the allowance of the motion applied to both the award of damages assessed against Langone and the dismissal of Langone's counterclaim.

On July 8, 2015, Langone filed a motion to amend his counterclaim to add counts for breach of contract, fraud on the court, and to expand his claim for unfair and deceptive acts and practices. The court allowed that motion on September 23, 2015. Thereafter, on November 5, 2015, Rockland Trust filed a motion to dismiss Langone's counterclaims. The court denied that motion on November 12, 2015.

A jury trial commenced on May 30, 2018 on Langone's claim for breach of contract. The court reserved for itself Rockland Trust's claims for breach of contract and Langone's claim for unfair and deceptive acts and practices. The jury returned a verdict in favor of Langone, awarding him damages in the amount of \$109,021.00 "plus attorneys' fees." Rockland Trust filed a motion for

judgment notwithstanding the verdict on June 15, 2018, which was, subsequently, denied by the court.

With respect to Rockland Trust's claims for breach of contract and Langone's counterclaim for unfair and deceptive acts and practices, on February 7, 2021 the court found in favor of Rockland Trust in the amount of \$9,593.11 on its breach of contract claim and against Langone on his claim for unfair and deceptive acts and practices. Subsequently, Rockland Trust sought attorneys' fees and costs in the amount of \$419,757.60, which was denied by the court on March 25, 2021.

Both Rockland Trust and Langone subsequently filed motions for prejudgment interest. Langone also requested attorney's fees and compound interest. The court awarded Langone and Rockland Trust prejudgment interest and denied Langon's request for attorney's fees on March 25, 2021. No attorney's fees were awarded. Judgment entered for Langone in the amount of \$592,628.02 and for Rockland Trust in the amount of \$44,901.61<sup>2</sup> on March 31, 2021.

Rockland Trust filed a notice of appeal on April 4, 2021. Langone filed a cross notice of appeal on April 14, 2021 and his Dist./Mun. Cts. R. A. D. A. 8C designation on May 14, 2021. Rockland Trust filed its Rule 8C designation on May 17, 2021. Langone filed a motion to dismiss Rockland Trust's appeal on November 24, 2021. That motion was, subsequently denied by the court. This appeal then ensued.

[Appellate Division Decision at 2-3].

On January 21, 2025, the Appellate Division issued a decision dismissing Rockland's appeal and otherwise

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<sup>2</sup> Langone intends to challenge this portion of the verdict on appeal. It is not, however, relevant to this application.

affirming the judgment. Both parties filed notices of appeal, and the Appeals Court entered the cross-appeals on June 6, 2025.

## **B. Statement Of Facts**

The testimony at trial was as follows:

Robert Langone was 78 years old at the time of trial in June of 2018. Early in his career, he had been a mechanic for Pan Am working on airliners and later became a flight engineer with the airline. He left in about 1963 and went to work with Xerox. He began as a technical representative and later moved into sales where he hit it out of the park. He met his future wife Lorraine when they worked together at Xerox from 1969 to 1971. Lorraine joined Hugh Hammil and Rob Swift when they left to start their own company, Aunyx Corp., focusing on copier sales and supplies. Things were slow for the first year until Langone joined the company, at which point things took off. They sold supplies for IBM machines and for machines made by some of the newer Japanese companies. They eventually began making and selling their own toner at a manufacturing plant that they built in Hingham. By 1976, they had about twenty chemists

and engineers and a number of salespeople. Langone travelled all over the country opening up new territories, usually flying his own plane. They had dealers around the country and would privately label toner for them. Langone took responsibility for research and development, manufacturing, and sales. He delegated the company's finances to Gisela Getz, his office manager, and was never involved with the day-to-day financial operations of the company. By May 1, 1984, he was President of the company and a 51 percent shareholder. Margaret Gourley owned the remaining 49 percent, as well as interests in Aunyx Manufacturing and Aunyx Business Machines, after she bought out Langone's prior partner. Langone also owned buildings where some of the businesses operated through various entities. [Tr. 1, 188-199; Tr. 4, 85-97].

In around 1984, Gourley was 82 years old. She assigned Jack Nevil to watch her investment, and Nevil became Treasurer of Aunyx Corp. and a Trustee of the Hamill-Langone Trust. Langone spent 90 percent of the time on the road and subsequently learned that, in his absence, Nevil was playing fast and loose not only with Gourley's

money, but with Aunyx Corp.'s funds. Nevil initially put Gourley on the payroll for \$80,000 per year, and himself for \$50,000. He put his wife and brother-in-law on the payroll. He insisted that Langone add another 10,000 square feet in the building where Aunyx Corp. was located, which it did not need. Nevil fired the contractor at the last minute and then hired his brother-in-law as the contractor. He bought two Cadillacs and a Lincoln for himself, and he bought Buicks for several people without Langone's knowledge. [Tr. 1, 200-204; Tr. 2, 10-11; Tr. 4, 97-98].

Andrew Fichera, a former Senior Vice President at Rockland Trust<sup>3</sup>, met Nevil around 1983 and Langone sometime after that. Nevil initially worked for Gourley Corp., a client of the bank. However, at some point, Fichera believed that Neville had become a partner in Langone's company Aunyx Corp., which was not a bank customer. At some point, Fichera learned of a dispute between Nevil and Langone. In the spring of 1984, Nevil borrowed money on behalf of Aunyx. Langone brought the check back to

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<sup>3</sup> Fichera was subsequently convicted of lying to a federal officer in an unrelated matter. [Tr. 1, 152-153].

Rockland Trust, ripped it up in front of Fichera, and said, “No more, no more. These people have taken too much. No more.” He told Fichera he did not want anything loaned to Nevil. Fichera agreed that there would be no further loans to Nevil. Before loaning money to a corporation, the bank was required to obtain a corporate resolution signed by its officers authorizing the corporation to borrow money and the terms on which the money could be loaned. If a trust was on a loan, the bank would be required to obtain a copy of the trust. After the attempted loan, Langone prepared corporate resolutions for his three companies dated April 26, 1984 in order to prevent any further unauthorized loans. He hand-delivered them to John Spence, the Chairman and CEO of Rockland Trust. The corporate resolutions required that there be two signatures for any loan, one from the Treasurer (Nevil) and one from the President (Langone). [Tr. 1, 136-152; Tr. 2, 33-34; Tr. 4, 137, 139].

However, on May 1, 1984, within a few days of the receipt of the corporate resolutions, Spence called Fichera into his office and said Nevil would be coming in for a loan. Spence directed him to have Nevil sign the note, and then



give him a check for \$95,633 made payable to Aunyx Corporation Inc. and Gourley Langone Trust. Fichera asked if he was sure about this, explaining that Langone and Nevil were at each other's throats. Fichera warned him that there could be trouble, but Spence told him to do as he was told. Fichera made the loan. Notably, the bank only received a signature from Nevil as treasurer for the May 1 loan, and Fichera never received or saw a copy of the trust. Although it had been made out to Aunyx Corporation, Inc. and Gourley-Langone Trust, Nevil endorsed it, "Pay to the order of Gourley Corporation", which was not a payee of the check. It is not clear that Aunyx ever received proceeds from this loan. The bank trained Fichera that the bank should not make loans except in a way that is authorized by the borrower to protect both the borrower and the bank from unauthorized loans. Originals of notes were kept in a vault in the building until the borrower had paid the loan, at which point it would be marked paid. [Tr. 1, 115-152; Tr. 2, 33-34].

Nevil himself testified at trial. He worked for R.L. Gourley, Company early in his career. Mrs. Gourley sent him to Aunyx Corp. to oversee Mrs. Gourley's interest in Aunyx.

He believed he was installed as Treasurer of Aunyx but was not completely sure. He learned that Langone was upset that Rockland had sent a check for \$100,000 to Aunyx. Langone knew nothing about this borrowing. He acknowledged that Langone had ripped the check up and drafted corporate resolutions governing borrowing. Notwithstanding those resolutions, he borrowed \$95,633 in late April of 1984, the purpose of which was to pay down the loan owed to Gourley Corp. He endorsed that check as Treasurer of Aunyx Corp. and as trustee of the Gourley-Langone Trust. He left Aunyx around that time and did not recall how it was deposited. Gisela, the bookkeeper, authorized payments on that loan, likely at his direction. [Tr. 3, 132-153, 158-161, 165-166, 171-179]. He denied that he received any portion of the loan proceeds. [Tr. 3, 191-193].

Langone was not aware that Rockland Trust had loaned \$95,633 to Aunyx after he had drafted the corporate resolutions. The loan documents indicate that this loan would be paid off when a new mortgage is in place in the name of Aunyx Realty Trust, which is a fictitious trust. In fact, Langone first learned about the loan when Fichera told

him about it in 2012. He also learned that someone at Aunyx had been making payments on the loan for years without his knowledge. In 1991, Rockland Trust, represented by Robert Looney, sued him over two notes, one with a \$5,000 balance and one with a \$9,000 balance. By then, Aunyx Corp. was out of business and owed more than \$2 million, but Langone refused to file for bankruptcy. Langone identified the commercial loan history cards, which are records from Rockland Trust. Both listed the notes as closed. There is a listing for loan number 01218, but he never saw a note with that number. Blair Perry, his lawyer at the time, asked to see either a copy or original of a note with that number. He, Perry and Lorraine went to the bank with Attorney Marino in June of 1991, but Rockland did not have either a copy or an original of this note. The second note was listed as loan number 18074. Notwithstanding the absence of notes, as of June 20, 1991, Rockland's loan history cards listed a balance due of \$5,125.60 on the first note, which was the remaining balance on the \$95,633 loan from March of 1984, and a balance of the second note of \$9,593.11. In August of 1991, with Rockland demanding \$14-\$15,000, Langone spoke with

Barbara Spence, daughter of John Spence. Rockland needed a copy machine, and in lieu of the money they claimed, Langone offered to provide her with a copy machine with a collator. The machine was worth \$16,000. Rockland took the machine. Attorney Looney then dismissed the collection matter by agreement, and the debt was retired. [Tr. 1, 191-196; Tr. 2, 11-29; Tr. 4, 98-119].

Langone paid note #18074 twice. He rolled it into #18079 and at some point, paid that loan in full, paying it down to \$9,000, and then retiring the note with the copier. But for some reason, someone from Aunyx Corporation kept making payments on 18074. [Tr. 2, 51-53].

Attorney Robert Looney served as counsel for Rockland Trust. In 1991 or 1992, the bank took action against Langone for unpaid loans. He sent demand letters seeking repayment of notes 01218 and 18074 and in 1991 filed a lawsuit seeking to collect on both notes. He attached a copy of a note that began with a 5 and ended with 128 to his complaint. However, he thought he was suing on 01218 and 18074. Langone's attorney indicated that the loans had been paid in full. Based on this conversation, he spoke with

someone at the bank, who could not confirm what, if anything, Langone owed. He could not recall if someone had told him that Langone had paid off the loan with a copy machine. Looney asked the court to dismiss the claim in 1993, which Judge Tamkin approved. Sometime later, Attorney Marino asked him for his file. [Tr. 3, 90-105].

Paul Vickery, a retired commercial loan officer with Rockland Trust, described certain mortgages and loans that Aunyx took, some of which were rolled into other loans with different loan numbers. He could not recall speaking with anyone at the bank to determine whether Langone owed Rockland \$15,000 or investigating whether Langone gave Rockland a copy machine. [Tr. 3, 118-129].

By 2003, Langone had paid off all of the Aunyx debts. However, two days before Thanksgiving in 2003, the sheriff showed up at his door with an attachment on his house. He learned that Rockland was suing him as guarantor on the dismissed notes. [Tr. 2, 29].

Attorney Peter Marino began representing Rockland Trust in around 1991 and continued working for the bank through July of 2014. In March of 2003, the bank sent him a

number of files for collection that were very old. Some had been litigated and some not. He discovered that the present case, which had first been filed in 1991, had been dismissed by agreement in 1993. He went to the court and the Registry of Deeds to look at the paperwork. He realized that Aunyx was no longer in business, but Langone was a guarantor of the loan. The file did not indicate that the dismissal had been with prejudice. Counsel for Langone had moved to Florida and then passed away, and counsel for the bank had little or no memory of the case. Because he could not determine why the case had been dismissed, he filed a collection action against Langone. [Tr. 3, 201-208].

After Marino filed suit, counsel for Langone served him with a request for production of documents. Marino knew of a document called corporate resolutions, which provided the authority to procure loans. He did not believe he ever produced this document. [Tr. 2, 42; Tr. 3, 208-210].

The history cards for 01218 showed a balance due of \$5,125. Marino attached a copy of the note to the complaint but never saw the original. The number on a second note, which he appended to the complaint had a 5, illegible, 1, 2, 8.

Prior to trial, Attorney Perry, counsel for Langone, asked him to produce promissory notes 01218, 5?128, and 18074. Every document Rockland gave Marino, including five demand letters, and the history cards, had only two note numbers, 01218 and 18074. He met with Perry and the Langones at the bank to review the documents. He subsequently obtained an attachment on real estate owned by Langone. [Tr. 3, 210-225, 234].

Marino tried the case in December of 2006 and obtained a judgment in early 2007. The bank prevailed on appeal. However, in order to collect on the note, he needed to file the original note with the court. It appeared that there was never a note with that number. It may have been the note on which Langone ripped up the check at the bank. Langone subsequently filed a Rule 60B motion, which the court allowed. [Tr. 3, 210, 225-234]. Marino proceeded with the case again. He knew that Rockland was suing on a \$95,000 note with only the signature of Jack Nevil. The corporate resolution required the signatures of both the president and treasurer, but he did not produce the corporate resolution in discovery. He believed it to be

irrelevant, since Langone took the position that all loans had been paid. [Tr. 3, 235-236].

Michael Sandoval, who was presumably called as a keeper of the records for Rockland Trust, denied that he was the keeper of the records, did not bring any documents, and did not see a computer file for the two loan numbers upon which the present suit was filed. Before the bank used computers, they would keep a physical copy of each promissory note. He believed that all loans involving Aunyx had been paid off, with the exception of loan numbers 01218 and 18074. Neither he nor anyone else at Rockland located an original or copy of the promissory note 01218. No one asked him to search for records on loan number 5?128. Outstanding notes are safeguarded in the bank's vault until they are paid off. He heard testimony that when the loan balance of two outstanding loans was down to \$9,000 and \$5,000, Langone delivered a copy machine to the bank, and Ms. Spence told him that the notes would be closed. He made no effort to determine if that information was true or false. He was not aware if anyone at Rockland made any effort to



determine if the notes that were the subject of the present action had been paid off. [Tr. 4, 62-85].

**C. Statement Of The Issue With Respect To Which Langone Seeks Direct Appellate Review**

Whether this Court should grant direct appellate review to address whether Langone is entitled, either presumptively or as a matter of law, to compound interest on his judgment against Rockland Trust where Rockland sued him on a note that had been paid in full, where a prior collection matter had been dismissed by agreement, and where Rockland ultimately had no information even remotely suggesting that he owed money on that note.

## Argument

**D. This Court Should Allow Direct Appellate Review To Address Whether Langone Is Entitled, Either Presumptively Or As A Matter Of Law, To Compound Interest On His Judgment Against Rockland Trust Where Rockland Sued Him On A Note That Had Been Paid In Full, Where A Prior Collection Matter Had Been Dismissed By Agreement, And Where Rockland Ultimately Had No Information Even Remotely Suggesting That Langone Owed Money On That Note**

The evidence at trial indicated that Rockland Trust improperly loaned money to Jack Nevil in 1984 in his capacity as Treasurer of Aunyx Corporation. Rockland made this loan days after Langone ripped up a check from Rockland in front of the bank official who had made the loan, emphatically told him that the bank was to make no further loans to Nevil, and delivered a corporate resolution requiring the signature of Langone before any such loans could be made. Notwithstanding Langone's unequivocal instructions, the corporate resolution, and the likelihood that Rockland knowingly or recklessly facilitated Nevil's embezzlement of the loan proceeds, Aunyx paid off the improperly issued loan. In 1993, after Rockland had sued to collect on the loan, the parties and the court agreed to dismiss the collection matter, as Rockland could not establish that Langone owed anything

on this loan. A decade later, Rockland again sought to collect on the same loan, knowing of the 1993 agreement to dismiss the collection action, and in the absence of any evidence in its own files that the loan remained unpaid.<sup>4</sup> After years of further litigation, including a trip to this Court in 2016, Langone, who was 44 at the time the loan was made and is now 85 years old, prevailed on his counterclaim in the amount of \$109,021.00. The trial court allowed interest on that amount, but only simple interest, for a total judgment of \$592,628.02. By statute, the trial court is entitled but not required to award compound interest on judgments. As he argued in his appeal to the District Court Appellate Division, Langone contends that in circumstances where a party engages in such egregious misconduct, he should be entitled as a matter of law, or at least presumptively, to compound interest on his judgment. He asks that this Court grant him direct appellate review to address this issue.

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<sup>4</sup> As noted above, judgment entered against Langone on a second loan. While Langone contends that he owed nothing on that loan either and plans to address this issue in his brief, for purposes of this application, he will focus solely on the loan on which he prevailed at trial.

In this Commonwealth, several statutes provide the framework for determining the appropriate award of interest on judgments. In tort cases, G.L. c. 231, § 6B provides for an award of 12 percent simple pre-judgment interest per annum from the date the complaint is filed until judgment enters. Contract cases also carry a 12 percent per annum interest rate, measured from the date of the breach or demand, or if that date is not established, from the commencement of the action. G.L. c. 231, § 6C. Once judgment enters, interest continues to accrue on the full judgment at the same 12 percent annual rate until the judgment is paid in full. G.L. c. 235, § 8.

In various contexts, appellate courts in this Commonwealth have left the determination as to whether to compound interest to “the sound discretion of the judge.” *Scott v. Boston Hous. Auth.*, 64 Mass. App. Ct. 693, 697 (2005). See *Chokel v. First Nat'l Supermarkets*, 421 Mass. 631, 645-646 (1996) (no abuse of discretion in the award of compound interest); *Arnold v. Maxwell*, 230 Mass. 441, 445 (1918) (compound interest may be awarded to prevent dishonest conduct leading to “unjust profit or gain, and for

the purpose of affording a just and equitable” disposition); *BNE Mass. Corp. v. Sims*, 32 Mass. App. Ct. 190, 202 (1992) (decision to award prejudgment interest at the rate of twelve per cent per annum, compounded annually, was well within the scope of the trial judge’s discretion). *See also Sarrouf v. New England Patriots Football Club, Inc.*, 397 Mass. 542, 551 (1986) (statutes neither require nor prohibit compound interest).

There is, however, at least one case supporting Langone’s contention that the decision to award compound interest should not be discretionary but should either be mandatory or presumptive. *See Central Water District Associates v. Cedar Meadow Lake Watershed District*, 80 Mass. App. Ct. 468, 473-474 (2011) (abuse of discretion to decline request for compound interest where, given the extended delay between the time of the taking and the time of payment, the compounding of interest was necessary in this case to place the plaintiff in as good a pecuniary position as it would have occupied if timely payment had been made).

The present case falls squarely within the holding of *Central Water District Associates*. Again, Rockland made an

unauthorized loan in 1984 when Langone was 44 years old, notwithstanding his express oral and written direction not to do so. Rockland's improper conduct permitted Nevil to embezzle the loan proceeds, precisely the harm that Langone sought to avoid. And notwithstanding that Langone paid off the improperly issued loan, Rockland has sought to collect the balance of the loan for almost thirty-five years, efforts that continue to this day when Langone is now 85 years old. \$483,607 that he may never see, hardly seems sufficient to make him whole for what Rockland has put him through, especially where the amounts with interest do not cover his legal fees in this matter and where Rockland sought and received compound interest on the repaid loan. *Compare Id.* (twelve-year delay in compensating plaintiff required compound interest).

But the difficulty with the line of cases described above is that none give the lower courts any standards for determining when interest should be compounded. In most cases, a judge simply has unfettered discretion to compound interest or to decline to do so, except in *Central Water District Associates*, where the Appeals Court simply held

that the judge had abused his discretion in declining to compound the interest award.

Whatever the outcome of this case, uniform standards are needed to provide guidance to the lower courts. Such standards would lead to more uniform and just decisions. Had they been adopted at the time of trial, standards for addressing whether compound interest should be awarded certainly would have been helpful. The trial court in this case awarded simple interest without discussion or explanation. Direct appellate review would be appropriate in these circumstances.



**E. Statement Of Reasons Why Direct Appellate Review Is Appropriate**

For all of the reasons set forth above, direct appellate review would be helpful in articulating some uniform standards, especially where the award of simple interest does not begin to address the financial losses and the ordeal Langone has suffered as a result of Rockland's appalling conduct. He asks that this Court allow his request.

Respectfully submitted,  
Robert Langone,

*By his attorney,*



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**Addendum**

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1.	Docket Entries	27
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\* Case Type:  
\* Civil  
\* Case Status:  
\* Disposed for Statistical Purposes  
\* File Date  
\* 11/20/2003  
\* DCM Track:  
\*  
\* Initiating Action:  
\* Money Action - District Court Filing (c231 §§ 103-104)  
\* Status Date:  
\* 05/28/2025  
\* Case Judge:  
\* McCallum, Hon. Paul J  
\* Next Event:  
\*

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

**Party Information**

**Rockland Trust Company**  
- Plaintiff

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[More Party Information](#)

**Langone, Robert J**  
- Defendant

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[More Party Information](#)

**Judgments**

<u>Date</u>	<u>Type</u>	<u>Method</u>	<u>For</u>	<u>Against</u>
03/31/2021	Judgment for the Plaintiff	, upon motion	Rockland Trust Company	Langone, Robert J
03/31/2021	Judgment for Defendant(s) on Counterclaim	, upon motion	Langone, Robert J	Rockland Trust Company
09/24/2020	Judgment for the Plaintiff	, after trial by a judge	Rockland Trust Company	Langone, Robert J
09/24/2020	Judgment for the Plaintiff	, after trial by a judge	Rockland Trust Company	Langone, Robert J
09/01/2020	Judgment for Defendant(s) on Counterclaim	, upon verdict of a jury	Langone, Robert J	Rockland Trust Company
04/14/2010	Judgment for the Plaintiff	, after appellate court decision	Rockland Trust Company	Langone, Robert J
02/18/2009	Judgment for the Plaintiff	, upon motion	Rockland Trust Company	Langone, Robert J
11/26/2008	Judgment for the Plaintiff	, upon motion	Rockland Trust Company	Langone, Robert J
01/05/2007	Judgment for the Plaintiff	, after trial by a judge	Rockland Trust Company	Langone, Robert J
01/05/2007	Judgment for Plaintiff on Counterclaim	, after trial by a judge	Rockland Trust Company	Langone, Robert J

**Events**

<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
02/24/2005 09:00 AM	First Session		Motion Hearing (CV)	Unassigned	
03/24/2005 09:00 AM	Legacy Conversion Session		Motion Hearing (CV)	Unassigned	
07/11/2005 10:30 AM	Legacy Conversion Session		Pretrial Conference (CV)	Unassigned	
02/09/2006 09:00 AM	Legacy Conversion Session		Motion Hearing (CV)	Unassigned	
02/17/2006 09:00 AM	Legacy Conversion Session		Bench Trial (CV)	Unassigned	
07/24/2006 04:30 PM	Legacy Conversion Session		Status Review (CV)	Unassigned	
12/12/2006 09:00 AM	Legacy Conversion Session		Bench Trial (CV)	Unassigned	
12/12/2006 09:00 AM	Legacy Conversion Session		Motion Hearing (CV)	Unassigned	

02/12/2007 04:30 PM	Legacy Conversion Session	Status Review (CV)	Unassigned
01/14/2009 09:00 AM	Legacy Conversion Session	Motion Hearing (CV)	Barrett, Hon. Thomas S
02/23/2009 04:30 PM	Legacy Conversion Session	Status Review (CV)	Unassigned
05/03/2010 04:30 PM	Legacy Conversion Session	Status Review (CV)	Unassigned
06/07/2010 04:30 PM	Legacy Conversion Session	Status Review (CV)	Unassigned
06/29/2010 09:00 AM	Legacy Conversion Session	Motion Hearing (CV)	Barrett, Hon. Thomas S
06/29/2010 09:00 AM	Legacy Conversion Session	Motion Hearing (CV)	Unassigned
06/29/2010 09:00 AM	Legacy Conversion Session	Motion Hearing (CV)	Unassigned
07/12/2010 04:30 PM	Legacy Conversion Session	Status Review (CV)	Unassigned
10/29/2010 09:00 AM	Legacy Conversion Session	Motion Hearing (CV)	Unassigned
03/21/2012 02:00 PM	Tickler Session	Status Review (CV)	Event Continued
01/02/2013 05:00 PM	Tickler Session	Status Review (CV)	Event Continued
02/07/2014 09:00 AM	Civil Session	Motion Hearing (CV)	Event Continued
09/11/2014 09:00 AM	Civil Session	Motion Hearing (CV)	Held
11/20/2014 09:00 AM	Lobby Session	Case Management Conference	Held
12/01/2014 05:00 PM	Tickler Session	Status Review (CV)	Brought Forward
05/13/2015 09:00 AM	Lobby Session	Pretrial Conference (CV)	Event Continued
06/25/2015 09:00 AM	Lobby Session	Pretrial Conference (CV)	Event Continued
07/16/2015 09:00 AM	Civil Session	Motion Hearing (CV)	Held
09/01/2015 05:00 PM	Tickler Session	Status Review (CV)	Brought Forward
11/12/2015 09:00 AM	Civil Session	Motion Hearing (CV)	Held
11/24/2015 02:30 PM	Lobby Session	Case Management Conference	Held

01/07/2016 02:30 PM	Lobby Session		Pretrial Conference (CV)		Brought Forward
01/26/2016 02:00 PM	Civil Session		Motion Hearing (CV)		Held
02/11/2016 02:00 PM	Civil Session		Motion Hearing (CV)		Not Held But Event Resolved
02/25/2016 09:00 AM	Civil Jury Session		Jury Trial (CV)		Event Continued
05/26/2016 09:00 AM	Civil Jury Session		Jury Trial (CV)		Event Continued
06/30/2016 09:00 AM	Civil Session		Motion Hearing (CV)		Event Continued
09/22/2016 09:00 AM	Civil Jury Session		Jury Trial (CV)		Not Held But Event Resolved
04/21/2017 10:00 AM	Civil Session		Status Review (CV)		Held
07/21/2017 10:00 AM	Civil Session		Status Review (CV)		Held
11/16/2017 09:00 AM	Civil Session		Motion Hearing (CV)		Held
12/15/2017 09:00 AM	Civil Session		Pretrial Conference (CV)	McCallum, Hon. Paul J	Held
05/25/2018 09:00 AM	Civil Session		Motion Hearing (CV)	McCallum, Hon. Paul J	Held - under advisement
05/30/2018 09:00 AM	Civil Jury Session		Jury Trial (CV)	McCallum, Hon. Paul J	Event Continued
05/31/2018 09:00 AM	Civil Jury Session		Jury Trial in Progress To Continue On	McCallum, Hon. Paul J	Event Continued
06/01/2018 09:00 AM	Civil Jury Session		Jury Trial in Progress To Continue On	McCallum, Hon. Paul J	Event Continued
06/04/2018 09:00 AM	Civil Jury Session		Jury Trial in Progress To Continue On	McCallum, Hon. Paul J	Event Continued
06/05/2018 09:00 AM	Civil Jury Session		Jury Trial in Progress To Continue On	McCallum, Hon. Paul J	Held
03/21/2019 02:00 PM	Civil Session		Motion Hearing (CV)	McCallum, Hon. Paul J	Held - under advisement
08/13/2020 02:00 PM	Civil Session		Motion Hearing (CV)	McCallum, Hon. Paul J	Event Continued
09/17/2020 02:00 PM	Civil Session		Motion Hearing In Progress To Continue On	McCallum, Hon. Paul J	Held - under advisement
12/02/2021 10:30 AM	Civil Session	<a href="https://www.zoomgov.com/j/1612403071">https://www.zoomgov.com/j/1612403071</a> PW:567515	Motion Hearing (CV)	McGovern, Hon. James J	Event Continued
12/30/2021 10:30 AM	Civil Session	<a href="https://www.zoomgov.com/j/1612403071">https://www.zoomgov.com/j/1612403071</a> PW:567515	Motion Hearing (CV)		Event Continued
01/27/2022 10:30 AM	Civil Session	<a href="https://www.zoomgov.com/j/1612403071">https://www.zoomgov.com/j/1612403071</a> PW:567515	Motion Hearing (CV)		Held - under advisement
02/20/2025 10:30 AM	Civil Session	<a href="https://www.zoomgov.com/j/1612403071">https://www.zoomgov.com/j/1612403071</a> PW:567515	Motion Hearing (CV)		Event Cancelled

**Docket Information**

<u>Docket Date</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Image Avail.</u>
01/18/2005	Case added to BasCOT computer system at Hingham District Court; see earlier manual docket for prior docket entries.		
01/18/2005	Appearance for Rockland Trust Company filed by Attorney PETER G. MARINO 15 Broad Street Suite 900 Boston MA 02109 BBO# 320380		
01/18/2005	Appearance for Robert J. Langone filed by Attorney BLAIR L. PERRY 193 Dromoland Lane Barnstable MA 02630 BBO# 395620		
01/18/2005	Motion to vacate dismissal under Standing Orders filed by Rockland Trust Company. 1-88		
01/18/2005	MOTION SCHEDULED FOR HEARING on 01/27/2005 09:00 AM.		
01/27/2005	MOTION SCHEDULED on 1/27/05 09:00 AM RESCHEDULED for 2/10/05 09:00 AM. Reason: Other. (Pltf's request)		
02/09/2005	MOTION SCHEDULED on 2/10/05 CANCELED. Reason: Other. (Pltff's counsel to resched.)		
02/09/2005	Case Inactivated: No future events scheduled.		
02/10/2005	MOTION SCHEDULED FOR HEARING on 02/24/2005 09:00 AM.		
02/24/2005	np off list (motion #4)		
03/03/2005	Case Inactivated: No future events scheduled.		
03/04/2005	MOTION SCHEDULED FOR HEARING on 03/24/2005 09:00 AM.		
04/04/2005	3/24/05 - Motion to vacate dismissal under Standing Order 1-88 (G.L. c.231 §59G) allowed ( Hurley, Hon. Patrick J. ). (copies sent)		
04/04/2005	Case Inactivated: No future events scheduled.		
04/06/2005	PRETRIAL CONFERENCE SCHEDULED for 07/11/2005 10:30 AM.		
06/30/2005	JOINT pre trial memorandum - filed.		
07/11/2005	Pretrial conference report filed.		
07/12/2005	Case Inactivated: No future events scheduled.		
07/12/2005	BENCH TRIAL SCHEDULED for 11/22/2005 09:00 AM.		
07/12/2005	Notice of next event sent to parties.		
11/14/2005	Motion for continuance (Mass.R.Civ.P.40[b]) filed by Rockland Trust Company and assented to by other party(ies).		
11/14/2005	Motion for continuance (Mass.R.Civ.P. 40[b]) allowed ( Hurley, Hon. Mary E. ).		
11/14/2005	BENCH TRIAL SCHEDULED on 11/22/2005 09:00 AM RESCHEDULED for 2/17/2006 09:00 AM. Reason: Other. (by all'd motion)		
11/14/2005	Notice of next event sent to parties.		
02/01/2006	Plaintiff's motion to substitute a photographic copy of a document lost or destroyed - filed.		
02/01/2006	MOTION SCHEDULED FOR HEARING on 02/09/2006 09:00 AM.		
02/02/2006	Affidavit of Peter G. Marino filed.		
02/07/2006	Memorandum filed by Rockland Trust Company.		
02/10/2006	Motion #25 This case is scheduled for trial on 2/17/06. This motion is referred to the trial judge - Hurley, J.		
02/16/2006	Plaintiff's motion to continue trial due to illness of a necessary witness -f iled.		
02/16/2006	Plaintiff's affidavit in support - filed.		
02/16/2006	Motion for continuance (Mass.R.Civ.P. 40[b]) allowed ( Hurley, Hon. Patrick J. ).		

02/16/2006 STATUS REVIEW SCHEDULED for 03/13/2006 02:00 PM.

02/16/2006 Notice sent to parties.

03/07/2006 BENCH TRIAL SCHEDULED for 07/24/2006 09:00 AM.

03/07/2006 Notice of next event sent to parties.

03/07/2006 STATUS REVIEW SCHEDULED on 3/13/2006 CANCELED. Reason: Other. (TRIAL DATE SET)

07/17/2006 Motion for continuance (Mass.R.Civ.P.40[b]) filed by Rockland Trust Company.

07/17/2006 Motion for continuance (Mass.R.Civ.P. 40[b]) allowed ( Hurley, Hon. Patrick J. ).

07/17/2006 Notice sent to parties.

07/17/2006 BENCH TRIAL SCHEDULED on 7/24/2006 CANCELED. Reason: Other. (Motion to cont all'd)

07/17/2006 STATUS REVIEW SCHEDULED for 07/24/2006 02:00 PM.

07/17/2006 STATUS REVIEW SCHEDULED on 7/24/2006 02:00 PM RESCHEDULED for 7/24/2006 04:30 PM. Reason: Other.

08/01/2006 BENCH TRIAL SCHEDULED for 01/23/2007 09:00 AM.

08/01/2006 Notice of next event sent to parties.

11/03/2006 BENCH TRIAL SCHEDULED on 1/23/2007 09:00 AM RESCHEDULED for 12/12/2006 09:00 AM. Reason: Other. (per Hurley, J.)

11/03/2006 Notice of next event sent to parties.

12/04/2006 Plaintiff's motion to revoke entry of Dismissal by Agreement (as to Docket # 9158 CV 1063 Rockland Trust Co. vs. Aunyx Corporation, Robert J. Langone, Pres. and Robert J. Langone, Ind. ) and to consolidate cases - filed.

12/04/2006 MOTION SCHEDULED FOR HEARING on 12/12/2006 09:00 AM.

12/04/2006 Change of address for PETER G. MARINO from 15 BROAD STREET, SUITE 900, BOSTON, MA. 02109 (617) 723-8888 to RICHARDSON AND TYLER, LLP, 35 INDIA STREET, SUITE 3, BOSTON, MA. 02110 (617) 723-8888.

12/15/2006 12/12/06 - Bench trial in progress continued ( Barrett, Hon. Thomas S. ) (Tape second session from am to pm ).

12/15/2006 12/12/06 - BENCH TRIAL CONT'D 12/13/06, PER BARRETT, J.

12/15/2006 (Tape 12/13/06 - Second session, Barrett, J. from am to pm? .)

12/15/2006 Taken under advisement ( Barrett, Hon. Thomas S. ).

12/15/2006 STATUS REVIEW SCHEDULED for 01/22/2007 04:30 PM.

01/05/2007 12/12/06 - Defendant's opposition to Plaintiff's motion to revoke entry of dismissal by agreement and to consolidate cases - filed.

01/05/2007 12/12/06 - Plaintiff's brief in opposition to Defenant's argument that prior dismissal barred Plaintiff from bringing this action - filed.

01/05/2007 12/12/06 - Plaintiff's brief in opposition to Defenant's argument that Laches bars Rockland Trust Company's claim - filed.

01/05/2007 Motion #48 - Plt's motion to revoke entry of dismissal by agreement & to consolidate cases - DENIED, BARRETT, J. (COPIES SENT)

01/05/2007 12/12/06 - Plaintiff Rockland Trust Company's motion in limine to exclude evidence regarding the Defenant's affirmative defense of laches - filed & ALLOWED, BARRETT, J. (COPIES SENT)

01/05/2007 12/12/06 - Plaintiff's proposed exhibits (list) - filed.

01/05/2007 12/12/06 - Agreed Upon Exhibits (list) - filed.

01/05/2007 12/13/06 - Plaintiff Rockland Trust Company's request for Findings of Fact and Rulings of Law - filed.

01/05/2007 12/13/06 - Defendant's requested findings of fact and conclusions of law - filed.

01/05/2007 Finding and Order for Judgment: JUDGMENT FOR PLTF (PRINCIPAL & INTEREST) SUMM OFF 43,061.53; ATTY FEES \$15,000.00 PLUS COSTS \$5,648.50. DEFENDANT'S COUNTERCLAIM



	DISMISSED. ( Barrett, Hon. Thomas S. ). (copies sent).
01/05/2007	Judgment for P01 ROCKLAND TRUST COMPANY to recover of D01 ROBERT J. LANGONE after trial by a judge the sum of \$43,179.29 plus prejudgment interest of \$0.00 and costs of \$20,648.50 for judgment total of \$63,827.79 ( Barrett, Hon. Thomas S. ) parties notified.
01/05/2007	Judgment on counterclaim for Rockland Trust Company against Robert J. Langone after trial by a judge; parties notified.
01/05/2007	STATUS REVIEW SCHEDULED on 1/22/2007 04:30 PM RESCHEDULED for 2/12/2007 04:30 PM. Reason: Other. (for appeal period & return of exhibits)
01/11/2007	Motion to alter or amend the judgment or for a new trial filed by Rockland Trust Company.
01/11/2007	Affidavit of in support of motion to filed by .
01/11/2007	Change of address for PETER G. MARINO from 15 BROAD STEET, SUITE 900, BOSTON, MA 02109 to 35 INDIA STREET, SUITE 3 BOSTON, MA 02110.
01/11/2007	Request to amend attorney information faxed to AOTC IT Dept.
01/12/2007	Defendant's Notice of appeal - filed. (to Appellate Division of Dist. Court RE: JUDG. DATED 1/5/07)
01/12/2007	Appeal filing fee of \$180.00 paid (G.L. c.261 §2).
01/12/2007	Copy of MOTion #69 & Affidavit #70 sent to Barrett, J. for consideration
01/12/2007	STATUS REVIEW SCHEDULED for 02/05/2007 04:30 PM.
01/19/2007	Deft's affidavit in opposition to Plaintiff's motion to alter or amend a judgment or for a new trial - filed.
01/19/2007	Copy of Affidavit #77 sent to Barrett, J. for consideration
02/05/2007	STATUS REVIEW SCHEDULED on 2/5/2007 04:30 PM RESCHEDULED for 3/12/2007 04:30 PM. Reason: Other. (case under appeal)
02/20/2007	Motion to alter or amend judgment or for new trial (Mass.R.Civ.P. 59[e]) denied ( Barrett, Hon. Thomas S. ).
02/20/2007	Notice sent to parties.
02/23/2007	2/22/07 - Defendant's notice of appeal - refiled. (to Appellate Division as to Judgment 1/5/07)
02/23/2007	STATUS REVIEW SCHEDULED for 04/02/2007 04:30 PM.
02/23/2007	STATUS REVIEW SCHEDULED on 3/12/2007 CANCELED. Reason: Other. (notice of appeal refiled)
02/27/2007	Plaintiff's notice of appeal - filed. (to Appellate Division as to Decision RE: Pltf's motion 2/20/07) (\$180.00 filing fee paid)
03/13/2007	Defendant's Expedited Appeal purs. to Rule 8A - filed. (copy made for Barrett, J.)
03/13/2007	STATUS REVIEW SCHEDULED on 4/2/2007 04:30 PM RESCHEDULED for 4/30/2007 04:30 PM. Reason: Other. (for tracking of appeal)
03/27/2007	Plaintiff's motion to enlarge time to elect Dist/Mun R.A.D.A 8A Method of Appeal - filed & Allowed, Hurley, J. (UNTIL 4/6/07) Notices sent.
03/27/2007	Notice sent to parties.
04/05/2007	Notice sent to parties.
04/05/2007	Six (6) copies of Defendant's expedited Appeal and Six (6) copies of brief - filed (notices sent)
04/05/2007	STATUS REVIEW SCHEDULED on 4/30/2007 04:30 PM RESCHEDULED for 5/14/2007 04:30 PM. Reason: Appealed. (for tracking of deft's appeal)
04/06/2007	Plaintiff's Expedited Appeal purs. to Rule 8A - filed. (Barrett, J. notified)
04/20/2007	Six (6) copies of Plaintiff's reply brief - filed. (Notices sent)
04/20/2007	Notice sent to parties.
04/26/2007	Six (6) copies of Deft's reply Brief - filed (Notices sent)

04/26/2007	Notice sent to parties.
04/30/2007	Six (6) copies of Pltf's Brief and Appendix - filed.
04/30/2007	Notice sent to parties.
05/02/2007	Plaintiff's amended corrected notice filed as to Pleading #98 RE: DATE OF SERVICE UPON DEFT'S ATTY BLAIR PERRY AND BARRETT, J.
05/08/2007	STATUS REVIEW SCHEDULED on 5/14/2007 04:30 PM RESCHEDULED for 5/15/2007 04:30 PM. Reason: Other.
05/08/2007	Notice sent to parties.
05/11/2007	STATUS REVIEW SCHEDULED on 5/15/2007 04:30 PM RESCHEDULED for 6/4/2007 04:30 PM. Reason: Other. (FURTHER TRACKING ON APPEAL)
05/11/2007	Six (6) copies of Defendant's brief "opposing the Bank's expedited Appeal" - filed.
05/11/2007	Notice sent to parties.
05/18/2007	Plaintiff's motion to enlarge time to file reply brief purs. to dIST/mUN r.a.d.a 14(b) RE: REPLY BRIEF IN RESPONSE TO dEFT. BRIEF( FROM 5/21 TO 5/23/07). - FILED. (ASSENTED TO)
05/18/2007	Pltf's letter of correction RE: Assent of DEFT'S ATTY. - FILED.
05/18/2007	Motion #106 Allowed, Hurley, J. (Response to be filed by 5/23/07) copies sent
05/18/2007	Notice sent to parties.
05/24/2007	5/23/07 - Six (6) copies of Plaintiff's reply brief - filed.
05/24/2007	Notice sent to parties.
06/07/2007	STATUS REVIEW SCHEDULED on 6/4/2007 04:30 PM RESCHEDULED for 6/25/2007 04:30 PM. Reason: Other. (for further tracking on appeal)
06/11/2007	Plaintiff's motion to AMEND THE CONCLUSION TO IT'S BRIEF DATED APRIL 19, 2007 (#94) to request attorneys fees and costs - filed. (Deft/appellant does not object to the allowance of this motion)
06/11/2007	Six (6) copies of Plaintiff's expedited Appeal - filed.
06/11/2007	Motion #113 Allowed, Hurley, J. (copies sent)
06/11/2007	Plaintiff's AMENDED CONCLUSION to it's brief dated April 19, 2007 to request attorneys fees and costs - filed & placed into the rear of each brief copy onto the back cover of #94.
06/13/2007	Notice sent to parties.
06/14/2007	Six (6) copies of Defts expedited Appeal Purs. to 8A and Six (6) copies of brief; Six (6) copies of Pltf's reply brief; Six (6) copies of Deft's reply brief; Six (6) copies of Pltf's brief and appendix; Six (6) copies of Defendants brief "opposing the Bank's expedited Appeal"; Six (6) copies of Plaintiff's reply brief; Six (6) copies of Plaintiff's expedited Appeal Purs. 8A and Six (6) attested copies of Docket entries forwarded to Appellate Division of the Dist. Court Dept. Administrative Off.
06/14/2007	Notice sent to parties. (Appeal papers to be picked up by Appellate Clerk @ Hingham Division on 6/22/07)
07/11/2007	STATUS REVIEW SCHEDULED on 6/25/2007 04:30 PM RESCHEDULED for 8/1/2007 04:30 PM. Reason: Appealed.
08/06/2007	STATUS REVIEW SCHEDULED on 8/1/2007 04:30 PM RESCHEDULED for 8/27/2007 04:30 PM. Reason: Appealed.
08/29/2007	STATUS REVIEW SCHEDULED on 8/27/2007 04:30 PM RESCHEDULED for 10/1/2007 04:30 PM. Reason: Appealed.
10/05/2007	STATUS REVIEW SCHEDULED on 10/1/2007 04:30 PM RESCHEDULED for 3/31/2008 04:30 PM. Reason: Appealed.
10/24/2007	Appellate Division decision received; trial judge notified (Dist./Mun.Cts. R.A.D.A. 28).
10/24/2007	Decision and order & Opinion dated 10/22/07 ; H. Gregory Williams, PJ, Robert A. Welsh, Jr., J & Brian R. Merrick J. received from Appelalte Division - filed. (APPEALS DISMISSED.) "Finally, Rockland has timely sought appellate atty's fees by requesting

them in its brief (appellee fees awarded in connection w/debtor's obligation to pay costs of collection of note) Within ten days of this decision, Rockland may submit to the Appellate Div. its petition for fees.. Langone may file opposition w/in ten days

10/24/2007 Notice sent to parties.

10/24/2007 Further notice to be sent by Appellate Court w/ regard to Appellate court atty fees for Pltf.

04/11/2008 STATUS REVIEW SCHEDULED on 3/31/2008 04:30 PM RESCHEDULED for 5/1/2008 04:30 PM. Reason: Appealed.

05/01/2008 STATUS REVIEW SCHEDULED on 5/1/2008 04:30 PM RESCHEDULED for 8/4/2008 04:30 PM. Reason: Appealed.

07/29/2008 STATUS REVIEW SCHEDULED on 8/4/2008 04:30 PM RESCHEDULED for 9/29/2008 04:30 PM. Reason: Other.

09/29/2008 STATUS REVIEW SCHEDULED on 9/29/2008 04:30 PM RESCHEDULED for 10/27/2008 04:30 PM. Reason: Appealed.

11/03/2008 STATUS REVIEW SCHEDULED on 10/27/2008 04:30 PM RESCHEDULED for 12/29/2008 04:30 PM. Reason: Other. (further action from appellate ct?)

11/20/2008 Appellate Division decision received; trial judge notified (Dist./Mun.Cts. R.A.D.A. 28).

11/20/2008 Decision and Order dated 11/19/08; H. Gregory Williams, PJ, Brian R. Merrick, J. received from Appellate Division - filed. "This appeal is before the Appellate Division, Southern Dist, upon the motion of plaintiff for appellate attorney's fees and costs, and the written opposition of defendant. Upon review of the parties' submissions ITIS HEREBY ORDERED that the clerk of the trial court shall make the following entry on the docket of this case:

11/20/2008 #134 cont'd - The plaintiff's motion for appellate attorney's fees and costs is allowed in the total amount of Seven Thousand, Five Hundred and Forty-Four (\$7,544.00) Dollars.

11/20/2008 Notice sent to parties.

11/26/2008 Judgment for P01 ROCKLAND TRUST COMPANY to recover of D01 ROBERT J. LANGONE upon motion the sum of \$0.00 plus prejudgment interest of \$0.00 and costs of \$7,544.00 for judgment total of \$7,544.00 ( Williams, Hon. H. Gregory ) parties notified. Pursuant to Decision and Order of Appellate Division dated 11/19/08)

11/26/2008 STATUS REVIEW SCHEDULED on 12/29/2008 04:30 PM RESCHEDULED for 1/5/2009 04:30 PM. Reason: Other. (re: appeal on appeal)

12/17/2008 Defendant's Notice of Appeal - filed. ( to Appeals Court from the final judgment captioned Judgment for Plaintiff(s) entered on November 26, 2008. (Upon appeal from this final judgment, deft. will seek review of various interlocutory orders : opinion of trial judge 1/2/07; Judg for Pltf. 1/5/07; Judg for Pltf on counterclaim 1/5/07; Dec. . & Order Appellate Div. 10/22/07 & 11/19/08.

12/17/2008 Defendant/appellant's request to assemble record & "the appellant has not ordered and does not intend to order the transcript or any portion thereof." - filed.

12/17/2008 Motion for relief from judgment (Mass.R.Civ.P. 60[b]) filed by Robert J Langone.

12/17/2008 Defendant/appellant's request Defendant's motion under Rule 60(b) to be brought to attention of Judgment Barrett, who was trial judge - filed.

12/18/2008 Notice sent to parties. (re: Defendant's notice of appeal to Appeals court filed 12/17/08)

12/26/2008 Notice sent to parties. (as to Notice of Assembly of Record as to Defendant's Appeal to Appeals Court)

12/26/2008 Appellate Court Assembly of Record Appeal Cover Sheet; Copy of Notice of assembly of record sent to parties; Two (2) attested copies of docket sheets, Copy of Notice of Appeal w/ cover letter, (does not intend to order transcript), List of exhibits, and other related papers sent to Appeals Court 12/26/08.

12/30/2008 Plaintiff's Notice of (cross) Appeal - filed. (to Appeals Court from entry of following Judgment, Decision, Orders and Opinions: Judgment of Trial Court 1/5/07; decision, order & opinion of Appellate Div. 10/22/07; decision, order & opinion of Appell

ate Div. as to legal fees. 11/19/08. (w/cover letter - does not intend to order copy of trial transcript & notes that the trial record has been assembled by notice dated 12/27/08)

12/30/2008	Notice sent to parties. (re: Plaintiff's Notice of Cross Appeal to Appeals Court filed 12/30/08)
01/02/2009	Rec'd from Appeals Court - Notice of entry of Docket - Appeals Court Docket # 2008-P-2151 entered on 12/30/08 - filed.
01/05/2009	Opposition filed by Rockland Trust Company to Motion for relief from judgment that was filed on 12/17/2008.
01/05/2009	Motion for relief from judgment (Mass.R.Civ.P. 60[b]) filed by Rockland Trust Company.
01/05/2009	Motion to assess atty fees & costs filed by Rockland Trust Company.
01/05/2009	Affidavit of in support of motion to filed by .
01/05/2009	MOTION SCHEDULED FOR HEARING on 01/14/2009 09:00 AM. FOR BARRETT, J.
01/07/2009	Notice sent to parties. (as to Notice of assembly of record on Plaintiff's cross appeal to Appeals Court)
01/07/2009	Appellate Court Assembly of Record Appeal Cover Sheet; Copy of Notice of assembly of record sent to parties; Two (2) attested copies of docket sheets, Copy of Notice of Cross Appeal w/cover letter, List of exhibits, and other related papers sent to Appeal  s Court 1/7/09.
01/08/2009	STATUS REVIEW SCHEDULED on 1/5/2009 04:30 PM RESCHEDULED for 2/23/2009 04:30 PM. Reason: Other.
01/12/2009	Defendant's reply to Plaintiff's opposition to motion under Rule 60(b)(6) - filed.
01/14/2009	Taken under advisement ( Barrett, Hon. Thomas S. ).
01/14/2009	STATUS REVIEW SCHEDULED for 02/26/2009 04:30 PM.
01/22/2009	Rec'd & filed from Appeals Court - Notice of entry of docket - filed. entered 1/14/09 -(RE: Plaintiff's cross appeal - Appeals Court Docket number 09-P-0052)
02/10/2009	Judgment entered on 01/05/2007 vacated; Motion for relief from judgment /to amend (Mass.R.Civ.P. 60(a)[b])(1)(4)(6) is ALLOWED; parties notified.  Judge: Barrett, Hon. Thomas S
02/10/2009	Judgment entered on 01/05/2007 vacated; Attorney's fees added into new judgment for plaintiff entered on 02/19/2009; parties notified.
02/13/2009	2/10/09 -Deft's Motion for relief from judgment (Mass.R.Civ.P. 60[b]) denied ( Barrett, Hon. Thomas S. ).
02/13/2009	2/10/09 - Plt'fs Motion for relief from judgment /to amend (Mass.R.Civ.P. 60(a)[b])(1)(4)(6) allowed ( Barrett, Hon. Thomas S. ).
02/13/2009	2/10/09 - Motion to assess attorney fees allowed ( Barrett, Hon. Thomas S. ).
02/18/2009	AMENDED - Judgment for P01 ROCKLAND TRUST COMPANY to recover of D01 ROBERT J. LANGONE upon motion the sum of \$47,193.75 plus prejudgment interest of \$0.00 and costs of \$31,377.99 for judgment total of \$78,571.74 ( Barrett, Hon. Thomas S. ) parties notifie  d.
02/18/2009	Notice sent to parties.
02/23/2009	STATUS REVIEW SCHEDULED on 2/26/2009 04:30 PM RESCHEDULED for 4/7/2009 04:30 PM. Reason: Appealed.
03/16/2009	Defendant's Notice of Appeal - filed. ("to Appeals Court from the final judgment captioned AMENDED JUDGMENT FOR PLAINTIFF(S) ENTERED ON FEBRUARY 18, 2009 - Deft. also will seek review of the following: Opinion of trial judge entered 1/2/07; Judg. for  Pltf entered 1/5/07; Judg. for Pltf. on counterclaim entered 1/5/07; Decision & Order of the Appellate Div. dated 10/22/07 & 11/19/08; Judg. for Pltf dated 11/26/08."
03/16/2009	Defendant's/appellant's request to assemble record & "the appellant has not ordered and does not intend to order the transcript or any portion thereof." - filed.

03/17/2009 Notice sent to parties. (re: Defendant's appeal)

03/19/2009 Plaintiff's Notice of (cross) Appeal - filed. (to Appeals Court from entry of following Judgments, Decision, Orders and Opinions: Judgment of Trial Court 1/5/07; decision, order & opinion of the Appellate Division 10/22/07; decision, order & opinion of Appellate Div. as to legal fees 11/19/08; & Amended Judgment of Trial Court 2/18/09)

03/19/2009 Plaintiff/cross appellant's - does not intend to order a copy of trial transcript & not necessary to assemble record as this is a cross appeal from Notice of Appeal filed by Deft on 3/16/09 & deft. has already requested the assembly of record for this appeal - filed.

03/27/2009 3/19/09 -Notice sent to parties. (re: Plaintiff's cross appeal)

03/27/2009 Notice of assembly of record sent to Appeals Court clerk & to parties (Mass. R.A.P. 9(d)).

03/27/2009 Notice sent to parties.

03/27/2009 Appellate Court Assembly of Record Appeal Cover Sheet (2) - as to Defendant's appeal and Plaintiff's cross appeal; Copy of Notice of assembly of record sent to parties; Two (2) attested copies of docket sheets; Copy of Defendant's Notice of Appeal w/ cover letter & Copy of Plaintiff's Notice of (Cross) Appeal w/ cover letter and other related papers sent to Appeals Court 3/27/09.

03/27/2009 STATUS REVIEW SCHEDULED on 4/7/2009 04:30 PM RESCHEDULED for 9/28/2009 04:30 PM. Reason: Appealed.

04/07/2009 Notice of entry received from Appeals Court - entered 4/3/09 Appeal Court Docket # 2009-P-0713

04/27/2009 Misc Entry: Plt's letter referring to affidavit of Peter Marino submitted at the end of the trial not appearing on the docket

05/04/2009 Re'cd from Appeals Court - Notice of docket entry - filed. As to motion to dismiss cross appeal filed by Rockland Trust Company - on 5/1/09 "The motion is allowed and the plaintiff's cross-appeal only is dismissed per the within, with prejudice and without costs purs. to MRAP 29(B)"

09/25/2009 STATUS REVIEW SCHEDULED on 9/28/2009 04:30 PM RESCHEDULED for 3/8/2010 04:30 PM. Reason: Appealed.

02/05/2010 2/1/10 - Rec'd from Appeals Court - Appeals Court Case No.'s 08-P-2151, 09-P-52, & 90-P-713 - Memorandum and order purs. to Rule 1:28 - Ordered, that the following entry be made in the docket: Decisions of Appellate Division entered on 10/24/07, and 11/20/08 affirmed. Amended judgment entered on 2/18/09 affirmed. by the Court, (Berry, Grainger & Wolohojian, JJ) entered 12/7/09 (copies sent to Atty. Peter G. Marino & Atty Blair L. Perry & cc to Thomas S. Barrett, J.)

02/05/2010 Notice sent to parties.

03/08/2010 STATUS REVIEW SCHEDULED on 3/8/2010 04:30 PM RESCHEDULED for 4/12/2010 04:30 PM. Reason: Other. (for request on execution)

04/09/2010 STATUS REVIEW SCHEDULED on 4/12/2010 04:30 PM RESCHEDULED for 5/3/2010 04:30 PM. Reason: Other. (further tracking & amended judgment requested)

04/09/2010 Judgment entered on 02/18/2009 vacated; APPEAL COURT DECISION FOR AMENDED JUDGMENT WITH ATTORNEY'S FEES AND COSTS; parties notified.

04/13/2010 4/9/10 - Plaintiff's letter - w/attachment of Order from Appeals Court dated 1/5/10 as to legal fees awarded dated 12/31/10 - filed.

04/13/2010 4/9/10- Rec'd - Appeals Court Notice of docket entry - Cover letter dated 1/5/10 -ORDER: - a judgment shall enter awarding plaintiff attorneys' fees in the amt. of \$15,400.00 & costs in amt. of \$1,717.00 entered 12/31/09. (Berry, Grainger, Wolohojian, J.)

04/14/2010 SECOND AMENDED Judgment for P01 ROCKLAND TRUST COMPANY to recover of D01 ROBERT J. LANGONE after appellate court decision the sum of \$49,374.95 plus prejudgment

interest of \$0.00 and costs of \$49,284.95 for judgment total of \$98,659.90 ( Hurley, Hon. Patrick J. ) parties notified.

04/14/2010 Request for execution needed - check w/ APQ 10 days / or 30 days after judgment from appeals court

04/14/2010 STATUS REVIEW SCHEDULED for 04/26/2010 04:30 PM.

04/28/2010 STATUS REVIEW SCHEDULED on 4/26/2010 04:30 PM RESCHEDULED for 5/24/2010 04:30 PM. Reason: Other. (for request for execution to issue)

05/05/2010 STATUS REVIEW SCHEDULED on 5/24/2010 04:30 PM RESCHEDULED for 6/7/2010 04:30 PM. Reason: Other. (for request for exon)

05/17/2010 5/13/10 - Deft's Notice of Appeal - filed. ("to Appeals court from the judgment captioned SECOND AMENDED JUDGMENT FOR PLAINTIFF entered on 4/14/10. Deft. also will seek review of various interlocutory order including the following: opinion of the trial judgment entered on 1/2/07; Judgment for Pltf entered on 1/5/07; Judgment for Pltf on counterclaim, entered on 1/5/07; cont #192

05/17/2010 5/13/10 - Deft's Notice of Appeal - cont'd from #191 - Decision & order of the appellate Division for Southern Dist. dated 10/22/07; Decision & order of Appellate Division of Southern Dist. dated 11/19/08; judgment for Pltf dated 11/26/08; & Amended judgment for Pltf dated 2/18/09".

05/18/2010 Notice sent to parties.(re: Defendant's notice of appeal to Appeals Court filed 5/13/10).

05/25/2010 5/24/10 - Defendant's letter - "The appellant has not ordered and does not intend to order the transcript or any portion thereof" - filed. (Record to be assembled)

06/04/2010 Motion to dismiss appeal filed by Rockland Trust Company.

06/17/2010 Memorandum filed by Rockland Trust Company.

06/17/2010 6/4/10 - Pltf's cover letter requesting motion to be heard before Barrett, J. - filed.

06/17/2010 MOTION SCHEDULED FOR HEARING on 06/29/2010 09:00 AM. FOR BARRETT, J.

06/17/2010 Rec'd & filed from Supreme Judicial Court SJC - Case No. FAR - 18403 ORDER -entered 6/16/10 - "It is hereby Ordered that: The Plaintiff's request for attorney's fees and costs in connection with its opposition to the application for further appellate review is allowed in the amounts sought: \$1,219.00 for fees and \$27.00 for costs."

06/17/2010 Rec'd & filed from Appeals Court - Case # 2008-P-2151 - Notice of entry of docket - filed. entered 6/16/10. ORDER -The plaintiff's request for attorney's fees and costs in connection with its opposition to the application for further appellate review is allowed in the amounts sought: \$1,219.00 for fees and \$27.00 for costs"

06/18/2010 Motion to assess attorney fees filed by Rockland Trust Company.

06/18/2010 Affidavit of PETER G. MARINO in support of motion to MOTION FOR ATTY FEES filed by P01 ROCKLAND TRUST COMPANY.

06/18/2010 MOTION SCHEDULED FOR HEARING on 06/29/2010 09:00 AM.

06/18/2010 Motion to revise & amend assessment of interest on judgment(for relief from judgment or order) (Mass.R.Civ.P. 60(a) filed by Rockland Trust Company.

06/18/2010 Memorandum filed by Rockland Trust Company.

06/18/2010 MOTION SCHEDULED FOR HEARING on 06/29/2010 09:00 AM.

06/29/2010 Opposition filed by D01 ROBERT J. LANGONE to Motion to dismiss appeal that was filed on 06/04/2010.

06/29/2010 Opposition filed by D01 ROBERT J. LANGONE to Motion for relief from judgment that was filed on 06/04/2010.

06/29/2010 Plaintiffs interest calculations on Judgment from January 5, 2007 to April 14, 2010 - filed.

06/29/2010 Taken under advisement ( Barrett, Hon. Thomas S. ).

06/29/2010 STATUS REVIEW SCHEDULED for 07/12/2010 04:30 PM.

08/09/2010 Plt's request for action on motions heard 6/29/10 - filed (Barret, J. notified 8/12/10)

08/09/2010 Case Inactivated: No future events scheduled.

10/04/2010 Motion for relief from final judgment filed by D01 ROBERT J. LANGONE.

10/04/2010 Memorandum filed by D01 ROBERT J. LANGONE.

10/04/2010 Affidavit of Atty Blair L. Perry - filed.

10/04/2010 Affidavit of D01 ROBERT J. LANGONE filed.

10/04/2010 Affidavit of ATTY ROBERT T. LOONEY filed.

10/04/2010 Affidavit of CHARLENE COLT filed.

10/04/2010 Notice of appearance as co-counsel for deft - filed by Atty Kenneth Difazio

10/04/2010 MOTION SCHEDULED FOR HEARING on 10/29/2010 09:00 AM.

10/12/2010 Motion to extend time to file opposition filed by P01 ROCKLAND TRUST COMPANY.

10/19/2010 Assent on motion to file opposition - filed & all'd DLC Asst. Clerk Magistrate

10/25/2010 Opposition filed by Rockland Trust Company to Motion for relief of judgment that was filed on 10/04/2010.

10/25/2010 Misc Entry: Affidavit in support of opposition - filed

10/25/2010 Misc Entry: Exhibits - filed

11/05/2010 Plt's response to affidavit of Christopher Sullivan, Esq. and letter opinion of Blair L. Perry, Esq. - Filed (11/5/10)

11/05/2010 Case Inactivated: No future events scheduled.

11/05/2010 Motion for attorney fees filed by P01 ROCKLAND TRUST COMPANY. (11/5/10)

11/05/2010 Affidavit of PETER G. MARINO in support of motion to TO ASSESS ATTY FEES filed by P01 ROCKLAND TRUST COMPANY.

11/05/2010 Cases for the court's review - filed

11/05/2010 Affidavit of ROBERT LOONEY filed.

01/19/2011 Deft's letter to judge with reference to "Mr. Ivy Press vs Fonseca" (original given to Judge Barrett on 1/19/11)

01/19/2011 Plt's response to deft's filing of Mt. Ivy Decision - filed

01/19/2011 Motion to assess atty fees filed by P01 ROCKLAND TRUST COMPANY.

01/19/2011 Affidavit of PETER G. MARINO in support of motion to TO ASSESS ATTY FEES filed by P01 ROCKLAND TRUST COMPANY.

03/04/2011 This Case Converted from Civil BasCOT application.

01/19/2012 Motion for status conference filed by Rockland Trust Company.

03/21/2012 Event Resulted  
The following event: Status Review scheduled for 03/21/2012 02:00 PM has been resulted as follows:  
  
Result: Event Continued

03/26/2012 Misc Entry: Letter from Attorney Marino addressed to Judge Barrett in regards to exhibits 14 & 15

01/22/2013 Motion for an entry of order that no execution issue against him filed by Robert J Langone.  
  
2/6/13 originals given to Judge Gilligan to give to Judge Barrett (copies kept)

02/04/2013 Misc Entry: Plt's response to defendant's motion for an order that no execution issue - Filed (2/6/13 originals given to Judge Gilligan to give to Judge Barrett) (copies kept)

05/01/2013 Motion for additional legal fees filed by Rockland Trust Company.

10/11/2013 Event Resulted  
The following event: Status Review scheduled for 01/02/2013 05:00 PM has been resulted as follows:  
Result: Event Continued

11/19/2013 Misc Entry: Pltf's letter to Judge Barrett - filed (faxed to Judge Barret on 12/3/13)

11/25/2013 Misc Entry: Deft's letter in response to Pltf's letter to Judge Barrett - Filed (faxed to Judge Barrett on 12/3/13)

01/16/2014 Affidavit of Robert T. Looney filed.

01/17/2014 Filed  
On this date Edward Michael Joyce, Esq. added as Private Counsel for Defendant Robert J Langone

01/17/2014 Filed  
On this date Blair L Perry, Esq. dismissed/withdrawn as Private Counsel for Defendant Robert J Langone

01/17/2014 Misc Entry: Deft's request for a hearing on all pending motions - filed

01/29/2014 Event Scheduled  
Event: Motion Hearing (CV)  
Date: 02/07/2014 Time: 09:00 AM  
Result: Held - under advisement

04/07/2014 Memorandum filed by Robert J Langone.  
  
faxed to Judge Barrett in Nantucket on 4/8/14

04/28/2014 Motion to strike pleading (Mass.R.Civ.P. 12[f]) filed by Rockland Trust Company.  
  
mailed to Judge Barrett on 4/28/14 after speaking with him on the phone

04/28/2014 Motion to deny deft's right to file any further pleadings filed by Rockland Trust Company.  
  
mailed to Judge Barrett in Fall River court after speaking with him on the phone on 4/28/14

04/28/2014 Affidavit of Peter G. Marinio, Esq. in support of motion to strike pleading and stop the filing of further pleadings filed by Rockland Trust Company.  
  
mailed to Judge Barrett on 4/28/14 after speaking with him on the phone

05/06/2014 Motion to amend counterclaim filed by Robert J Langone.

07/17/2014 Motion under advisement by judicial officer

07/25/2014 Judgment entered on 01/05/2007 vacated; Robert J Langone's Motion to amend counterclaim is ALLOWED; parties notified.

07/25/2014 Misc Entry: Memorandum of decision on defendan't motion to vacate judgment - filed & all'd Barrett, J. (Judgment vacated)

07/28/2014 Event Resulted  
The following event: Status Review scheduled for 12/01/2014 05:00 PM has been resulted as follows:  
Result: Brought Forward  
Appeared:

07/29/2014 Notice sent to parties.  
  
A Notice to the Parties was generated and sent to:  
  
Defendant: Edward Michael Joyce, Esq.  
  
Plaintiff: Peter G Marino, Esq.

07/29/2014 Notice sent to parties.  
A Notice to the Parties was generated and sent to:  
Defendant: Edward Michael Joyce, Esq.  
Plaintiff: Peter G Marino, Esq.



08/08/2014 Judgment entered on 04/14/2010 vacated; Robert J. Langone's motion for relief pursuant to Rule 60(b)(6) of the Rules of procedure is allowed; parties notified.  
Judge: Barrett, Hon. Thomas S

08/08/2014 Misc Entry: Deft Robert J. Langone's motion for relief purs. to Rule 60(b)(6) of the Rules of procedure is allowed per Barrett, J. Case transferred to the active trial list. (notice sent to notify parties that the matter was being put back on the active trial list) (notice of decision on ruling was sent on 7/29/14)

08/08/2014 Notice sent to parties.  
A Notice to the Parties was generated and sent to:  
Defendant: Edward Michael Joyce, Esq.  
Plaintiff: Peter G Marino, Esq.

09/05/2014 Motion to strike plaintiff's appeal filed by Robert J Langone.

09/05/2014 Motion to dissolve real estate attachment filed by Robert J Langone.

09/08/2014 Filed  
On this date Michael Garvey Scott, Esq. added as Private Counsel for Plaintiff Rockland Trust Company

09/10/2014 Event Scheduled  
Event: Motion Hearing (CV)  
Date: 09/11/2014 Time: 09:00 AM  
Result: Held

09/10/2014 Motion for clarification of court's decision allowing deft's motion to vacate judgment filed by Rockland Trust Company.  
(as to whether or not the counterclaim is restored to the active trial list)

09/10/2014 Misc Entry: Plt's withdrawal of appeal - filed

09/11/2014 Event Resulted  
The following event: Motion Hearing (CV) scheduled for 09/11/2014 09:00 AM has been resulted as follows:  
Result: Held  
Appeared:

09/11/2014 Motion to dissolve real estate attachment allowed Hon. Julieann Hernon

09/12/2014 Motion to dissolve attachment allowed Hon. Julieann Hernon  
by agreement

09/12/2014 Order; parties notified.

09/12/2014 Filed  
On this date Peter G Marino, Esq. dismissed/withdrawn as Private Counsel for Plaintiff Rockland Trust Company

09/19/2014 Misc Entry: Deft's reply to plaintiff's motion for clarification of court's decision allowing deft's motion to vacate judgment - Filed

09/26/2014 Misc Entry: Judge Barrett's clarification on memorandum of decision - Filed "The Court's decision of July 24, 2014 to vacate judgment applied both to the award of damages to Rockland and the dismissal of Langone's counterclaims" per Barrett, J.

09/30/2014 Notice sent to parties.  
A Notice to the Parties was generated and sent to:  
Defendant: Edward Michael Joyce, Esq.  
Plaintiff: Michael Garvey Scott, Esq.

09/30/2014 Event Scheduled  
Event: Case Management Conference  
Date: 11/20/2014 Time: 09:00 AM  
Result: Event Continued

11/20/2014 Event Resulted  
The following event: Case Management Conference scheduled for 11/20/2014 09:00 AM has been resulted as follows:  
Result: Event Continued

Appeared:	
04/27/2015	Event Scheduled Event: Pretrial Conference (CV) Date: 05/13/2015 Time: 09:00 AM Result: Event Continued
05/06/2015	Motion to amend counterclaim filed by Robert J Langone.
05/08/2015	Motion for continuance (Mass.R.Civ.P.40[b]) of pretrial hearing filed by Rockland Trust Company.
05/08/2015	Motion for continuance (Mass.R.Civ.P.40[b]) of deft's motion to amend counterclaim filed by Rockland Trust Company.
05/11/2015	Event Resulted The following event: Pretrial Conference (CV) scheduled for 05/13/2015 09:00 AM has been resulted as follows: Result: Event Continued Appeared:
05/21/2015	Appearance filed On this date Michael Garvey Scott, Esq. dismissed/withdrawn as Private Counsel for Plaintiff Rockland Trust Company
05/21/2015	Appearance filed On this date Jason William Morgan, Esq. added as Private Counsel for Plaintiff Rockland Trust Company
06/10/2015	Event Scheduled Event: Pretrial Conference (CV) Date: 06/25/2015 Time: 09:00 AM Result: Event Continued
06/24/2015	Misc Entry: Deft's letter withdrawing motion to amend counterclaim and amended counterclaim - filed
06/25/2015	Event Resulted The following event: Pretrial Conference (CV) scheduled for 06/25/2015 09:00 AM has been resulted as follows: Result: Event Continued Appeared:
06/25/2015	Event Scheduled Event: Motion Hearing (CV) Date: 07/16/2015 Time: 09:00 AM Result: Held
07/08/2015	Motion to amend counterclaim filed by Robert J Langone.
07/09/2015	Misc Entry: Original pleadings of pleading #263 - filed
07/15/2015	Opposition filed by Rockland Trust Company to Motion to amend counterclaim that was filed on 07/08/2015.
07/16/2015	Event Resulted The following event: Motion Hearing (CV) scheduled for 07/16/2015 09:00 AM has been resulted as follows: Result: Held
07/30/2015	Misc Entry: Deft's reply to opposition to motion to amend counterclaim - filed
09/01/2015	Event Resulted The following event: Status Review scheduled for 09/01/2015 05:00 PM has been resulted as follows: Result: Brought Forward
09/23/2015	Motion to amend counterclaim allowed Hon. Heather Bradley
09/23/2015	Counterclaim filed by Robert J Langone against Rockland Trust Company (Mass.R.Civ.P. 13).  (entered after allowed motion) (notice of allowed motion was sent to parties along with the notice of case management on 10/9/15)(statement of damages filed 11/3/15 attached to counterclaim)
10/09/2015	Event Scheduled Event: Case Management Conference

	Date: 11/24/2015 Time: 02:30 PM Result: Held
11/03/2015	Motion for speedy trial filed by Robert J Langone.
11/03/2015	Event Scheduled Event: Motion Hearing (CV) Date: 11/12/2015 Time: 09:00 AM Result: Held
11/05/2015	Motion to dismiss amended counterclaim filed by Rockland Trust Company.
11/12/2015	Event Resulted The following event: Motion Hearing (CV) scheduled for 11/12/2015 09:00 AM has been resulted as follows: Result: Held
11/12/2015	Misc Entry: Plaintiff's reply to opposition to motion to dismiss first amended counterclaim - filed
11/12/2015	Misc Entry: Deft's opposition to plaintiff's motion to dismiss first amended counterclaim - filed
11/12/2015	Misc Entry: Pltf's supplemental brief in support of motion to dismiss first amended counterclaim
11/17/2015	Motion for speedy trial allowed Hon. Heather Bradley (motion allowed on 11/12/15 - notices mailed on 11/17/15)
11/17/2015	Motion to dismiss counterclaim denied. motion denied on 11/12/15 - notices sent out on 11/17/15
11/17/2015	Event Scheduled Event: Pretrial Conference (CV) Date: 01/07/2016 Time: 02:30 PM Result: Brought Forward
11/17/2015	Event Scheduled Event: Jury Trial (CV) Date: 02/25/2016 Time: 09:00 AM Result: Event Continued
11/17/2015	Trial order issued; parties notified. (a copy of all three events along with the trial order were sent to both parties)
11/23/2015	Misc Entry: Notice of appeal - filed (notice of appeal recorded on docket however the \$180.00 check was mailed back to the plaintiff's attorney per APQ)(appeal not appropriate at this time)
11/23/2015	Misc Entry: Pltf's request for report of a case for determination - filed
11/24/2015	Event Resulted The following event: Case Management Conference scheduled for 11/24/2015 02:30 PM has been resulted as follows: Result: Held
11/24/2015	Misc Entry: At the case management conference the defendant reports they will be filing an opposition to the pltf's request to report case for determination
11/25/2015	Notice sent to parties. A Notice to the Parties was generated and sent to: Defendant: Edward Michael Joyce, Esq. Plaintiff: Jason William Morgan, Esq.
11/25/2015	Notice sent to parties. A Notice to the Parties was generated and sent to: Plaintiff: Jason William Morgan, Esq.
11/25/2015	Answer to counterclaim of Robert J Langone filed by Rockland Trust Company. AMENDED COUNTERCLAIM
11/25/2015	Misc Entry:Deft's opposition to plaintiff's request to report case for determination
01/06/2016	Misc Entry: Copy of pltf's filings with the SJC - filed
01/07/2016	Pretrial memorandum filed jointly by all parties.
01/07/2016	Event Resulted The following event: Pretrial Conference (CV) scheduled for 01/07/2016 02:30 PM has been resulted as follows:

	Result: Brought Forward
01/21/2016	Motion to compel and continue trial filed by Rockland Trust Company.
01/21/2016	Affidavit of Jason W. Morgan, Esq. filed.
01/21/2016	Event Scheduled Event: Motion Hearing (CV) Date: 01/26/2016 Time: 02:00 PM Result: Held
01/26/2016	Event Resulted The following event: Motion Hearing (CV) scheduled for 01/26/2016 02:00 PM has been resulted as follows: Result: Held
01/26/2016	Opposition filed by Robert J Langone to Motion to compel and continue trial that was filed on 01/26/2016.
01/29/2016	Motion to transfer to plymouth superior court filed by Robert J Langone and assented to by other party(ies). (TO BE HEARD BY JUDGE BRADLEY)
02/10/2016	Event Resulted The following event: Jury Trial (CV) scheduled for 02/25/2016 09:00 AM has been resulted as follows: Result: Event Continued
02/10/2016	Event Scheduled Event: Jury Trial (CV) Date: 05/26/2016 Time: 09:00 AM Result: Event Continued
02/10/2016	Event Scheduled Event: Motion Hearing (CV) Date: 02/11/2016 Time: 02:00 PM Result: Not Held But Event Resolved
02/11/2016	Event Resulted The following event: Motion Hearing (CV) scheduled for 02/11/2016 02:00 PM has been resulted as follows: Result: Not Held But Event Resolved
02/12/2016	Misc Entry: No action taken on the motion to transfer - parties will file a joint motion to stay proceedings so mediation may be sought - parties were told that the motion could be handled administratively) per Bradley, J.
04/28/2016	Motion for continuance (Mass.R.Civ.P.40[b]) filed by Rockland Trust Company.
04/29/2016	Event Resulted The following event: Jury Trial (CV) scheduled for 05/26/2016 09:00 AM has been resulted as follows: Result: Event Continued
04/29/2016	Event Scheduled Event: Jury Trial (CV) Date: 09/22/2016 Time: 09:00 AM Result: Not Held But Event Resolved
04/29/2016	Motion for continuance (Mass.R.Civ.P.40[b]) allowed Hon. Heather Bradley
05/26/2016	Misc Entry: Def't's copy of reply to petition to the single justice purs. to M.G.L. C211 - filed
05/31/2016	Misc Entry: Notice of docket entry from the Supreme Judicial Court..."Judgment: denying relief under C211 S3 without a hearing" - Spina, J.
06/10/2016	Misc Entry: Notice of assembly of the record on appeal to the Supreme Judicial Court
06/16/2016	Misc Entry: Copy of plaintiff's letter to Supreme judicial Court - Filed
06/22/2016	Motion for partial summary judgment filed by Rockland Trust Company.
06/22/2016	Event Scheduled Event: Motion Hearing (CV) Date: 06/30/2016 Time: 09:00 AM Result: Event Continued

06/29/2016 Event Resulted  
The following event: Motion Hearing (CV) scheduled for 06/30/2016 09:00 AM has been resulted as follows:  
Result: Event Continued

06/29/2016 Opposition filed by Rockland Trust Company to Motion for partial summary judgment that was filed on 06/22/2016.

06/29/2016 Motion to compel discovery and for sanctions filed by Rockland Trust Company.

06/29/2016 Affidavit of Jason Morgan filed.

06/30/2016 Misc Entry: Plt's letter of marking on motion to compel discovery - filed (told motion was to be remark for a date in August)

06/30/2016 Event Resulted  
The following event: Jury Trial (CV) scheduled for 09/22/2016 09:00 AM has been resulted as follows:  
Result: Not Held But Event Resolved

07/07/2016 Misc Entry: Plt's request to advance hearing on its motion to compel to a date sooner than august - filed

08/08/2016 Motion to compel discovery and for sanctions denied.

03/06/2017 Motion for partial summary judgment denied.

03/06/2017 Court's Ruling on Defendant/Plaintiff in counterclaim's Motion for Summary Judgment

03/08/2017 Notice sent to parties.  
A Notice to the Parties was generated and sent to:  
Defendant: Edward Michael Joyce, Esq.  
Plaintiff: Jason William Morgan, Esq.  
08/18/2016- After motion hearing, Rockland Trust Company's Motion to Compel Discovery and for Sanctions is DENIED. Court Orders Robert J Langone, Defendant is to comply by 09/30/2016 depositions and further counsel for Defendant to meet with Plaintiff's Counsel and show all Documents involved with request for production documents.

(Honorable Heather Bradley)

03/08/2017 Notice concerning next court event, to wit - 04/21/2017 10:00 AM Status Review-- sent to parties. 03/06/2017(06/30/2016)- After motion hearing, Robert J Langone's Motion for Partial Summary Judgment is DENIED. Court's Ruling on Defendant/Plaintiff in counterclaim's Motion for Summary is ATTACHED.

(Honorable Heather Bradley)

Date scheduled above is for Jury Status

04/21/2017 Event Resulted  
The following event: Status Review scheduled for 04/21/2017 10:00 AM has been resulted as follows:  
Result: Held

04/21/2017 Appearance filed  
On this date Gregory V Sullivan, Esq. added as Private Counsel for Defendant Robert J Langone

07/17/2017 Judgment after rescript from Supreme Judicial Court: This matter came before the Court, and in accordance with the Rescript Opinion that was entered in the Full Court in SJC-12129 on June 1, 2017, it is ORDERED AND ADJUDGED that the following entry of Judgment be, and the same hereby is, made: "The single justice's denial of Rockland Trust Company's G.L.c. 211 § 3, petition is affirmed." (Mass. R.A.P. 28); parties notified.

07/21/2017 Event Resulted  
The following event: Status Review scheduled for 07/21/2017 10:00 AM has been resulted as follows:  
Result: Held

07/21/2017 Event Scheduled  
Event: Motion Hearing (CV)  
Date: 11/16/2017 Time: 09:00 AM  
Result: Held

07/21/2017 Notice concerning next court event, to wit - 11/16/2017 09:00 AM Motion Hearing (CV)-- sent to parties.  
After status conference, parties agreed all Discovery to be completed by 10-01-2017. Motion(s) for Summary Judgment shall be filed on or before 11-01-2017. Motion to be heard on the scheduled date above. Trial schedule to be determined after Motion for Summary Judgment is decided.

Andrew P. Quigley, First Assistant CM

11/01/2017 Motion for partial summary judgment and memorandum of law in support filed by Rockland Trust Company.

11/15/2017 Opposition filed by Robert J Langone to Motion for partial summary judgment that was filed on 11/01/2017.

11/15/2017 Affidavit of ROBERT LANGONE in support of opposition to Rockland Trust's Motion for Summary Judgment filed.

11/16/2017 Event Resulted  
Judge: Leoney, Hon. Antoinette E. McLean  
The following event: Motion Hearing (CV) scheduled for 11/16/2017 09:00 AM has been resulted as follows:  
Result: Held

11/16/2017 Motion for partial summary judgment denied.

Judge: Leoney, Hon. Antoinette E. McLean

11/16/2017 Notice sent to parties.  
A Notice to the Parties was generated and sent to:  
Defendant: Edward Michael Joyce, Esq.  
Defendant: Gregory V Sullivan, Esq.  
Plaintiff: Jason William Morgan, Esq.  
After motion hearing, Rockland Trust Company's Motion for Partial Summary Judgment is DENIED.  
1) After review of all pleadings and oral arguments having been heard, this court finds that there are genuine issues of material facts. 2) Further, Defendant's Amended Counterclaims in all respect have been allowed to go forward as of 09/23/2015 and 11/12/2015 (Bradley, J.)

Hon. Antoinette E. McLean Leoney

11/16/2017 Event Scheduled  
Event: Pretrial Conference (CV)  
Date: 12/15/2017 Time: 09:00 AM  
Result: Held

12/15/2017 Event Resulted  
Judge: McCallum, Hon. Paul J  
The following event: Pretrial Conference (CV) scheduled for 12/15/2017 09:00 AM has been resulted as follows:  
Result: Held

12/15/2017 Joint Pretrial Memorandum filed.

12/18/2017 Event Scheduled  
Judge: McCallum, Hon. Paul J  
Event: Motion Hearing (CV)  
Date: 05/25/2018 Time: 09:00 AM  
Result: Held - under advisement

12/18/2017 Event Scheduled  
Judge: McCallum, Hon. Paul J  
Event: Jury Trial (CV)  
Date: 05/30/2017 Time: 09:00 AM  
Result: Event Continued

05/17/2018 Appearance filed  
On this date Edward Michael Joyce, Esq. dismissed/withdrawn as Private Counsel for Defendant Robert J Langone

05/18/2018 Motion In limine concerning ROBERT J. LANGONE as proper party to assert counterclaims filed by Rockland Trust Company.

Judge: McCallum, Hon. Paul J

05/18/2018	Motion in limine concerning counterclaims for fraud on the Court filed by Rockland Trust Company. Judge: McCallum, Hon. Paul J
05/18/2018	Motion in limine to exclude internal board resolutions as evidence of a contract with Rockland Trust Company filed by Rockland Trust Company. Judge: McCallum, Hon. Paul J
05/18/2018	Motion in limine to adopt prior findings regarding dismissal of 1991 action filed by Rockland Trust Company. Judge: McCallum, Hon. Paul J
05/18/2018	Motion in limine relating to original customer copy of the 1984 note filed by Rockland Trust Company. Judge: McCallum, Hon. Paul J
05/18/2018	Motion to bifurcate trial filed by Robert J Langone. Judge: McCallum, Hon. Paul J
05/18/2018	Motion in limine to adopt prior findings of fact on the May 27, 1987 Note filed by Rockland Trust Company.
05/22/2018	Motion to amend counterclaim filed by Robert J Langone.
05/23/2018	Amended Counterclaim filed by Robert J. Langone
05/24/2018	Opposition filed by Rockland Trust Company to Motion to bifurcate trial and alternative proposal for bifurcation that was filed on 05/18/2018.
05/24/2018	Opposition filed by Robert J Langone to Motion in limine to adopt prior findings of fact on the May 27, 1987 Note that was filed on 05/18/2018.
05/25/2018	Event Resulted: Motion Hearing (CV) scheduled on: 05/25/2018 09:00 AM Has been: Held - under advisement Hon. Paul J McCallum, Presiding Appeared: Staff:
05/25/2018	Motion under advisement by judicial officer. Judge: McCallum, Hon. Paul J  Judge: McCallum, Hon. Paul J
05/29/2018	Opposition filed by Rockland Trust Company to Motion to amend counterclaim that was filed on 05/06/2014. Judge: McCallum, Hon. Paul J
05/29/2018	Motion in limine to exclude internal board resolutions as evidence of a contract with Rockland Trust Company denied. Judge: McCallum, Hon. Paul J
05/29/2018	Motion in limine concerning counterclaims for fraud on the Court allowed Hon. Paul J McCallum Judge: McCallum, Hon. Paul J
05/29/2018	Motion in limine concerning ROBERT J. LANGONE as proper party to assert counterclaims denied. Judge: McCallum, Hon. Paul J
05/29/2018	Motion to bifurcate trial denied. Judge: McCallum, Hon. Paul J
05/29/2018	Motion to amend counterclaim denied.
05/30/2018	Event Resulted: Jury Trial (CV) scheduled on:

05/30/2018 09:00 AM  
 Has been: Event Continued  
 Hon. Paul J McCallum, Presiding  
 Appeared:  
 Staff:

05/30/2018 Motion in limine to adopt prior findings regarding dismissal of 1991 action allowed Hon. Paul J McCallum

Judge: McCallum, Hon. Paul J

05/31/2018 Event Resulted: Jury Trial in Progress To Continue On scheduled on:  
 05/31/2018 09:00 AM  
 Has been: Event Continued  
 Hon. Paul J McCallum, Presiding  
 Appeared:  
 Staff:

06/01/2018 Event Resulted: Jury Trial in Progress To Continue On scheduled on:  
 06/01/2018 09:00 AM  
 Has been: Event Continued  
 Hon. Paul J McCallum, Presiding  
 Appeared:  
 Staff:

06/04/2018 Event Resulted: Jury Trial in Progress To Continue On scheduled on:  
 06/04/2018 09:00 AM  
 Has been: Event Continued  
 Hon. Paul J McCallum, Presiding  
 Appeared:  
 Staff:

Judge: McCallum, Hon. Paul J

06/04/2018 Motion for directed verdict (Mass.R.Civ.P.50[a]) denied.

Judge: McCallum, Hon. Paul J

06/05/2018 Event Resulted: Jury Trial in Progress To Continue On scheduled on:  
 06/05/2018 09:00 AM  
 Has been: Held  
 Hon. Paul J McCallum, Presiding  
 Appeared:  
 Staff:

06/05/2018 Renewed Motion for directed verdict (Mass.R.Civ.P.50[a]) made in open court by Rockland Trust Company and denied.

Judge: McCallum, Hon. Paul J

06/05/2018 Jury verdict for Robert J Langone against Rockland Trust Company.

Judge: McCallum, Hon. Paul J

06/05/2018 Jury verdict on counterclaim for Robert J Langone against Rockland Trust Company in amount of \$109,021.00.

Judge: McCallum, Hon. Paul J





06/05/2018 Transcript Received 05/30/2018, 5/31/2018, 06/01/2018, 06/04/2018, 06/05/2018,

06/08/2018 Cassette or CD copy request received from Jason Morgan (Dist Ct Special Rule 211(A)(5)(c)).  
 R14913 8 JUN 2018 Case No. 0358CV000818 | 5 Jun 2018 | Massachusetts Courts - District |  
 Hingham - District Courthouse | Courtroom 03 | Rockland Trust Company v. Robert J. Langone

06/08/2018 Cassette or CD copy request received from Jason Morgan (Dist Ct Special Rule 211(A)(5)(c)).  
 R14912 8 JUN 2018 Case No. 0358CV000818 | 4 Jun 2018 | Massachusetts Courts - District |  
 Hingham - District Courthouse | Courtroom 03 | Rockland Trust Company v. Robert J. Langone

06/08/2018 Cassette or CD copy request received from Jason Morgan (Dist Ct Special Rule 211(A)(5)(c)).  
 R14911 8 JUN 2018 Case No. 0358CV000818 | 1 Jun 2018 | Massachusetts Courts - District |  
 Hingham - District Courthouse | Courtroom 03 | Rockland Trust Company v. Robert J. Langone



- 06/08/2018 Cassette or CD copy request received from JASON MORGAN (Dist Ct Special Rule 211(A)(5)(c)). R14910 8 JUN 2018 Case No. 0358CV000818 | 31 May 2018 | Massachusetts Courts - District | Hingham - District Courthouse | Courtroom 03 | Rockland Trust Company v. Robert J. Langone
- 06/08/2018 Cassette or CD copy request received from JASON MORGAN (Dist Ct Special Rule 211(A)(5)(c)). R14909 8 JUN 2018 Case No. 0358CV000818 | 30 May 2018 | Massachusetts Courts - District | Hingham - District Courthouse | Courtroom 03 | Rockland Trust Company v. Robert J. Langone
- 06/12/2018 Notice sent to parties.  
A Notice to the Parties was generated and sent to:  
Defendant: Gregory V Sullivan, Esq.  
Plaintiff: Jason William Morgan, Esq.  
05/25/2018(05/30/2018)- After motion hearing, Rockland Trust Company's Motion in Limine Concerning ROBERT J. LANGONE as Proper Party to Assert Counterclaims, Motion in Limine to Exclude Internal Board Resolutions as Evidence of a Contract with Rockland Trust Company, and Motion in Limine to Exclude Internal Board Resolutions as Evidence of a Contract with Rockland Trust Company are DENIED and Motion in Limine Concerning Counterclaims for Fraud on the Court and Motion in limine to adopt prior findings regarding dismissal of 1991 action are ALLOWED. Robert J Langone's Motion to bifurcate trial and Motion to amend counterclaim are DENIED. No action taken on Rockland Trust Company's Motion in Limine to Adopt Prior Findings of Fact on the May 27, 1987 Note and Motion in Limine Relating to Original Customer Copy of the 1984 Note.  
06/04/2018- After hearing, Rockland Trust Company's Motion for Directed Verdict (Mass.R.Civ.P.50[a]) is DENIED.  
06/05/2018- After hearing, Rockland Trust Company's Renewed Motion for Directed Verdict (Mass.R.Civ.P.50[a]) made in open court is DENIED.  
  
Honorable Paul J. McCallum
- 06/15/2018 Motion for judgment notwithstanding the verdict or, in the alternative, for a new trial or remittitur filed by Rockland Trust Company.   [Image](#)
- 06/26/2018 Opposition filed by Robert J Langone to Motion for judgment notwithstanding the verdict or, in the alternative, for a new trial or remittitur that was filed on 06/15/2018.  
  
Judge: McCallum, Hon. Paul J
- 07/10/2018 Reply Brief in support of Motion for judgment notwithstanding the verdict or, in the alternative, for a new trial or remittitur filed by ROCKLAND TRUST COMPANY  
  
Judge: McCallum, Hon. Paul J
- 07/19/2018 Sur-reply in support of his opposition to the motion for Judgment Notwithstanding the verdict or, in the alternative, for a New Trial or Remittitur filed by ROBERT J. LANGONE
- 09/21/2018 Notice of Receipt of Trial Transcripts filed  
  
Applies To: Rockland Trust Company (Plaintiff); Langone, Robert J (Defendant)
- 10/05/2018 Post-Trial Proposed Findings of fact and Conclusions of law filed  
  
Applies To: Rockland Trust Company (Plaintiff)
- 10/05/2018 Post-Trial Proposed Findings of fact and Conclusions of law filed  
  
Applies To: Rockland Trust Company (Plaintiff)
- 10/05/2018 Proposed Findings of fact and rulings of law (Mass.R.Civ.P. 52(c)).  
  
Applies To: Langone, Robert J (Defendant)
- 10/12/2018 Affidavit of GREGORY V. SULLIVAN filed.   [Image](#)
- 10/22/2018 Revised Proposed Findings of Fact and Rulings of Law filed.  
  
Applies To: Rockland Trust Company (Plaintiff)
- 02/07/2019 Event Scheduled  
Judge: McCallum, Hon. Paul J  
Event: Motion Hearing (CV)  
Date: 03/21/2019 Time: 02:00 PM  
Result: Held - under advisement
- 03/20/2019 Responses and Objections to Robert Lagone's Proposed Findings of Fact and Rulings of Law filed

Applies To: Rockland Trust Company (Plaintiff)	
03/21/2019	<p>Event Resulted: Motion Hearing (CV) scheduled on: 03/21/2019 02:00 PM</p> <p>Has been: Held - under advisement</p> <p>Hon. Paul J McCallum, Presiding</p> <p>Appeared:</p> <p>Staff:</p>
03/21/2019	<p>Motion under advisement by judicial officer.</p> <p>Judge: McCallum, Hon. Paul J</p>
03/21/2019	<p>Motion to strike Rockland Trust Company's responses and objections to Robert J. Lagone's proposed findings of fact and rulings of law filed by Rockland Trust Company.</p>
03/21/2019	<p>Affidavit of ROBERT LANGONE filed.</p>
03/22/2019	<p>Motion for judgment notwithstanding the verdict or, in the alternative, for a new trial or remittitur denied.</p> <p>Judge: McCallum, Hon. Paul J</p>
03/22/2019	<p>Motion to strike Rockland Trust Company's responses and objections to Robert J. Lagone's proposed findings of fact and rulings of law allowed Hon. Paul J McCallum</p> <p>Judge: McCallum, Hon. Paul J</p>
03/28/2019	<p>Notice sent to parties.</p> <p>A Notice to the Parties was generated and sent to:</p> <p>Defendant: Gregory V Sullivan, Esq.</p> <p>Plaintiff: Jason William Morgan, Esq.</p>
04/05/2019	<p>Notice of Appeal filed by Rockland Trust Company</p>
02/10/2020	<p>Order</p> <p>Judge: McCallum, Hon. Paul J</p>
02/10/2020	<p>Form generated:</p> <p>A Notice to the Parties was generated and sent to:</p> <p>Defendant: Gregory V Sullivan, Esq.</p> <p>Plaintiff: Jason William Morgan, Esq.</p> <p>Robert Langone's has not met his burden of proof, preponderance of this evidence that Rockland's Conduct was unfair or deceptive under G.L.c.93A, and I hereby order that this count be dismissed.</p>
02/20/2020	<p>Notice of appeal filed by Robert J Langone</p>
02/21/2020	<p>Petition/Motion for assessment of attorney's fees and costs in Favor of Rockland Trust Company filed by Rockland Trust Company-Plaintiff.</p> <p>Judge: McCallum, Hon. Paul J</p>
02/21/2020	<p>Opposition filed by Robert J Langone to Motion for assessment of attorney's fees and costs that was filed on 01/01/2021.</p>
02/21/2020	<p>Affidavit of JASON W. MORGAN, ESQ. filed.</p>
08/13/2020	<p>Event Resulted: Motion Hearing (CV) scheduled on: 08/13/2020 02:00 PM</p> <p>Has been: Held</p> <p>Hon. Paul J McCallum, Presiding</p>
08/13/2020	<p>Affidavit of JASON W. MORGAN, ESQ. filed. (43 PAGE DETAILED EXPENSE)</p>
08/25/2020	<p>Supplemental Memorandum in support of his opposition to Rockland Trust Company's Motion for Attorney's Fees and Costs filed</p> <p>Applies To: Langone, Robert J (Defendant)</p>
08/31/2020	<p>Supplemental Memorandum in support of Motion for assessment of a attorney's fees and costs filed by</p>

	Applies To: Rockland Trust Company (Plaintiff)
	Email copy and Original filed.
09/01/2020	Event Scheduled Judge: McCallum, Hon. Paul J Event: Motion Hearing (CV) Date: 08/13/2020 Time: 02:00 PM Result: Held
09/17/2020	Event Resulted: Motion Hearing In Progress To Continue On scheduled on: 09/17/2020 02:00 PM Has been: Held - under advisement Hon. Paul J McCallum, Presiding
09/17/2020	Motion under advisement by judicial officer. Judge: McCallum, Hon. Paul J
09/24/2020	Judgment Entered:: Judgment for the Plaintiff , after trial by a judge Presiding: Hon. Paul J McCallum  Judgment For: Rockland Trust Company  Judgment Against: Robert J Langone  Terms of Judgment: Interest Begins: 11/20/2003 Jdgmnt Date: 09/24/2020 Interest Rate: .12 Daily Interest Rate: .000329 Damages: Damage Amt: 9593.11 Filing Fees: 195.00 Costs Pd to Court: 5.00 Other Costs: 40.70 Judgment Total: 29,253.50
09/24/2020	Judgment Entered:: Judgment for the Plaintiff , after trial by a judge Presiding: Hon. Paul J McCallum  Judgment For: Rockland Trust Company  Judgment Against: Robert J Langone  Terms of Judgment: Interest Begins: 05/20/1991 Jdgmnt Date: 09/24/2020 Interest Rate: .12 Daily Interest Rate: .000329 Damages: Damage Amt: 9593.11 Filing Fees: 195.00 Costs Pd to Court: 5.00 Other Costs: 40.70 Judgment Total: 43,667.56
10/09/2020	Motion to assess prejudgment interest on the award of damages granted in favor of Rockland Trust Company filed by Rockland Trust Company-Plaintiff. 
10/09/2020	Memorandum in support of an award of prejudgment interest on his breach of contract claim filed.  Applies To: Langone, Robert J (Defendant)
10/13/2020	Memorandum in support of an award of prejudgment interest on his breach of contract claim filed  Applies To: Langone, Robert J (Defendant)
10/19/2020	Opposition filed by Robert J Langone to Motion to assess prejudgment interest on the award of damages granted in favor of Rockland Trust Company that was filed on 10/09/2020.
10/20/2020	Reply to Robert J. Langone's Memorandum in support of an award of prejudgment Interest on his Breach of Contract Claim filed.
10/26/2020	Sur-Reply to Rockland Trust Company's Reply to his Memorandum in support of an award of prejudgment Interest on his Breach of Contract Claim filed.  Applies To: Langone, Robert J (Defendant)
11/05/2020	Reply to Robert J. Langone's Briefing on Motions for Awards of Prejudgment Interest filed  Applies To: Rockland Trust Company (Plaintiff)
03/25/2021	Decision on Defendant and Plaintiffs Motions to assess prejudgment Interest and Plaintiff's Motion for Assessment of Attorney's Fees issued  Judge: McCallum, Hon. Paul J

Image

03/31/2021	Judgment Entered:: Judgment for the Plaintiff , upon motion Presiding: Hon. Paul J McCallum  Judgment For: Rockland Trust Company  Judgment Against: Robert J Langone  Terms of Judgment: Interest Begins: 10/29/1990 Jdgmnt Date: 03/31/2021 Interest Rate: .12 Daily Interest Rate: .000329 Damages: Damage Amt: 9593.11 Filing Fees: 195.00 Costs Pd to Court: 5.00 Other Costs: 40.70 Judgment Total: 44,901.61 Further Orders: please see the attached Decision
03/31/2021	Judgment Entered:: Judgment for Defendant(s) on Counterclaim , upon motion Presiding: Hon. Paul J McCallum  Judgment For: Robert J Langone  Judgment Against: Rockland Trust Company  Terms of Judgment: Interest Begins: 05/01/1984 Jdgmnt Date: 03/31/2021 Interest Rate: .12 Daily Interest Rate: .000329 Damages: Damage Amt: 109021.00 Judgment Total: 592,628.02 Further Orders: Please see the attached Decision
04/06/2021	Notice of Appeal filed  Applies To: Rockland Trust Company (Plaintiff)
04/16/2021	Notice of Appeal filed  Applies To: Langone, Robert J (Defendant)
05/14/2021	Notice of appeal to Appellate Division on record of proceedings filed by Robert J Langone (G.L. c.231 §108; Dist./Mun.Cts. R.A.D.A. 8C(b)).
05/14/2021	Notice of appeal to Appellate Division on record of proceedings filed by Rockland Trust Company (G.L. c.231 §108; Dist./Mun.Cts. R.A.D.A. 8C(b)).
10/04/2021	Cassette or CD transcription received from transcriber (Mass. R.A.P. 8(b)(3)(iv)); parties notified.  Filed by: Langone, Robert J (Defendant)
10/06/2021	Form generated: A Notice to the Parties was generated and sent to: Defendant, Attorney: Gregory V Sullivan, Esq. Malloy and Sullivan, Lawyers Professional Corporat 59 Water St, Hingham, MA 02043 Plaintiff, Attorney: Jason William Morgan, Esq. Drohan Tocchio and Morgan, P.C. 175 Derby St Suite 30, Hingham, MA 02043  Cassette or CD transcription received from transcriber (Mass. R.A.P. 8(b)(3)(iv)); parties notified.  Applies To: Langone, Robert J (Defendant)
11/05/2021	Cover Letter filed. SIX copies of Robert Langone's Appeal on the Record of proceedings previously filed on May 14, 2021. SIX copies of the transcript were submitted to the court  *Appellate Division - Rule 8C(g) and Rule 9- Within 30 days of clerk's notice of transcript receipt, appellant must file in trial court six copies of "Appeal/Record of Proceedings;" i.e., six copies of Single-Sheet Rule 8C designation.  Note: Six copies of Transcript SHOULD NOT be filed in trial court
11/09/2021	Rockland Trust Company's Supplement to Appeal on the Record of Proceedings filed
11/24/2021	Motion to dismiss appeal (Mass.R.A.P. 10[c]) of Rockland Trust Company filed by Robert J Langone-Defendant.
11/26/2021	Event Scheduled Judge: McGovern, Hon. James J Event: Motion Hearing (CV)



	Date: 12/02/2021 Time: 10:30 AM Result: Event Continued	
12/01/2021	Opposition filed by Rockland Trust Company to Motion to Dismiss the Appeal of Rockland Trust Company that was filed on 11/24/2021.	
12/02/2021	Event Resulted: Motion Hearing (CV) scheduled on: 12/02/2021 10:30 AM Has been: Event Continued Hon. James J McGovern, Presiding	
12/02/2021	Event Scheduled Event: Motion Hearing (CV) Date: 12/30/2021 Time: 10:30 AM Result: Event Continued	
12/06/2021	Request to reschedule hearing (submitted via mail)  Applies To: Morgan, Esq., Jason William (Attorney) on behalf of Rockland Trust Company (Plaintiff)	
12/29/2021	Notice sent to parties.  Transcript received from court reporter (Dist./Mun.Cts. R.A.D.A. 8C(d) or Mass. R.A.P. 8(b)(1)). Applies To: Rockland Trust Company (Plaintiff)	
12/29/2021	Transcript received from court reporter (Dist./Mun.Cts. R.A.D.A. 8C(d) or Mass. R.A.P. 8(b)(1)); parties notified.  Filed by Rockland Trust Company (Plaintiff)	
12/30/2021	Event Resulted: Motion Hearing (CV) scheduled on: 12/30/2021 10:30 AM Has been: Event Continued Paul E Fullam, CM, Presiding	
12/30/2021	Event Scheduled Event: Motion Hearing (CV) Date: 01/27/2022 Time: 10:30 AM Result: Held - under advisement	
01/20/2022	Motion to dismiss appeal (Mass.R.A.P. 10[c]) of Rockland Trust Company denied.	 <a href="#">Image</a>
01/26/2022	Appearance filed On this date Theodore A Barone, Esq. added as Private Counsel for Defendant Robert J Langone	
01/26/2022	Affidavit of Robert J Langone filed.	 <a href="#">Image</a>
01/27/2022	Event Resulted: Motion Hearing (CV) scheduled on: 01/27/2022 10:30 AM Has been: Held - under advisement Hon. Robert W Harnais, Presiding	<a href="#">Image</a>
01/27/2022	Motion under advisement by judicial officer. Judge: Harnais, Hon. Robert W	
01/31/2022	Cassette or CD copy request received from Theodore Barone (Dist Ct Special Rule 211(A)(5)(c)). R87806 31 JAN 2022 Case No. 0358CV000818   27 Jan 2022   Massachusetts Courts - District   Hingham - District Courthouse   Courtroom 02   Rockland Trust Company v. Langone, Robert J	
02/16/2022	Rockland Trust Company's Post-Hearing Brief Concerning Robert J. Langone's Motion to Dismiss	
02/17/2022	Supplemental Memorandum in support of Defendant's Motion to Dismiss appeal of Plaintiff filed.	
11/21/2022	Motion for a decision on Robert Langone's Motion to Dismiss Appeal filed by Robert J Langone-Defendant.	 <a href="#">Image</a>
01/19/2023	Appeal of the Denial of his Motion to Appeal of Rockland Trust filed by Langone, Robert J	
03/07/2023	HDC emailed one copy of the Docket and 8C of each party to the Appellate	
01/21/2025	Appellate Division decision received; trial judge notified (Dist./Mun.Cts. R.A.D.A. 28).	



- 01/22/2025 Notice of appeal to Appeals Court from Appellate Division decision filed. (G.L. c.231 §109)  
Filed by: Rockland Trust Company (Plaintiff)
- 01/31/2025 Notice of appeal to Appeals Court from Appellate Division decision filed. (G.L. c.231 §109)  
Applies To: Langone, Robert J (Defendant)
- 02/03/2025 Motion to amend notice of appeal filed by Robert J Langone-Defendant. 
- 02/03/2025 Event Scheduled  
Event: Motion Hearing (CV)  
Date: 02/20/2025 Time: 10:30 AM  
Result: Event Cancelled
- 02/03/2025 Event Resulted: Motion Hearing (CV) scheduled on:  
02/20/2025 10:30 AM  
Has been: Event Cancelled For the following reason: Defendant's request without objection  
Paul E Fullam, CM, Presiding
- 02/03/2025 AMENDED Notice of appeal to Appeals Court from Appellate Division decision filed. (G.L. c.231 §109)
- 02/20/2025 Appearance filed on behalf of Rockland Trust by Attorney Nicholas Nesgos 
- 02/24/2025 Appearance filed  
On this date Jason William Morgan, Esq. dismissed/withdrawn as Private Counsel for Plaintiff  
Rockland Trust Company
- 02/24/2025 Appearance filed  
On this date Nicholas J Nesgos, Esq. added as Private Counsel for Plaintiff Rockland Trust  
Company
- 03/21/2025 Transcript received from court reporter (Dist./Mun.Cts. R.A.D.A. 8C(d) or Mass. R.A.P. 8(b)(1));  
parties notified.

Showing 1 to 500 of 506

<< < 1 2 > >>**Case Disposition**

<u>Disposition</u>	<u>Date</u>	<u>Case Judge</u>
Disposed	01/05/2007	McCallum, Hon. Paul J

**0358CV000818 Rockland Trust Company v. Langone, Robert J**

\* Case Type:  
\* Civil  
\* Case Status:  
\* Disposed for Statistical Purposes  
\* File Date  
\* 11/20/2003  
\* DCM Track:  
\*  
\* Initiating Action:  
\* Money Action - District Court Filing (c231 §§ 103-104)  
\* Status Date:  
\* 05/28/2025  
\* Case Judge:  
\* McCallum, Hon. Paul J  
\* Next Event:  
\*

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

**Party Information**

**Rockland Trust Company**  
- Plaintiff

**Alias****Party Attorney**

\* Attorney  
\* Nesgos, Esq., Nicholas J  
\* Bar Code  
\* 553177  
\* Address  
\* Phone Number  
\*

[More Party Information](#)

**Langone, Robert J**  
- Defendant

**Alias****Party Attorney**

\* Attorney  
\* Barone, Esq., Theodore A  
\* Bar Code  
\* 030190  
\* Address  
\* Phone Number  
\*  
\* Attorney  
\* Curhan, Esq., Dana Alan  
\* Bar Code  
\* 544250  
\* Address  
\* Phone Number  
\*  
\* Attorney  
\* Sullivan, Esq., Gregory V  
\* Bar Code  
\* 486000  
\* Address  
\* Phone Number  
\*

[More Party Information](#)

**Judgments**

<u>Date</u>	<u>Type</u>	<u>Method</u>	<u>For</u>	<u>Against</u>
03/31/2021	Judgment for the Plaintiff	, upon motion	Rockland Trust Company	Langone, Robert J
03/31/2021	Judgment for Defendant(s) on Counterclaim	, upon motion	Langone, Robert J	Rockland Trust Company
09/24/2020	Judgment for the Plaintiff	, after trial by a judge	Rockland Trust Company	Langone, Robert J
09/24/2020	Judgment for the Plaintiff	, after trial by a judge	Rockland Trust Company	Langone, Robert J
09/01/2020	Judgment for Defendant(s) on Counterclaim	, upon verdict of a jury	Langone, Robert J	Rockland Trust Company
04/14/2010	Judgment for the Plaintiff	, after appellate court decision	Rockland Trust Company	Langone, Robert J
02/18/2009	Judgment for the Plaintiff	, upon motion	Rockland Trust Company	Langone, Robert J
11/26/2008	Judgment for the Plaintiff	, upon motion	Rockland Trust Company	Langone, Robert J
01/05/2007	Judgment for the Plaintiff	, after trial by a judge	Rockland Trust Company	Langone, Robert J
01/05/2007	Judgment for Plaintiff on Counterclaim	, after trial by a judge	Rockland Trust Company	Langone, Robert J

**Events**



<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
02/24/2005 09:00 AM	First Session		Motion Hearing (CV)	Unassigned	
03/24/2005 09:00 AM	Legacy Conversion Session		Motion Hearing (CV)	Unassigned	
07/11/2005 10:30 AM	Legacy Conversion Session		Pretrial Conference (CV)	Unassigned	
02/09/2006 09:00 AM	Legacy Conversion Session		Motion Hearing (CV)	Unassigned	
02/17/2006 09:00 AM	Legacy Conversion Session		Bench Trial (CV)	Unassigned	
07/24/2006 04:30 PM	Legacy Conversion Session		Status Review (CV)	Unassigned	
12/12/2006 09:00 AM	Legacy Conversion Session		Bench Trial (CV)	Unassigned	
12/12/2006 09:00 AM	Legacy Conversion Session		Motion Hearing (CV)	Unassigned	



02/12/2007 04:30 PM	Legacy Conversion Session	Status Review (CV)	Unassigned
01/14/2009 09:00 AM	Legacy Conversion Session	Motion Hearing (CV)	Barrett, Hon. Thomas S
02/23/2009 04:30 PM	Legacy Conversion Session	Status Review (CV)	Unassigned
05/03/2010 04:30 PM	Legacy Conversion Session	Status Review (CV)	Unassigned
06/07/2010 04:30 PM	Legacy Conversion Session	Status Review (CV)	Unassigned
06/29/2010 09:00 AM	Legacy Conversion Session	Motion Hearing (CV)	Barrett, Hon. Thomas S
06/29/2010 09:00 AM	Legacy Conversion Session	Motion Hearing (CV)	Unassigned
06/29/2010 09:00 AM	Legacy Conversion Session	Motion Hearing (CV)	Unassigned
07/12/2010 04:30 PM	Legacy Conversion Session	Status Review (CV)	Unassigned
10/29/2010 09:00 AM	Legacy Conversion Session	Motion Hearing (CV)	Unassigned
03/21/2012 02:00 PM	Tickler Session	Status Review (CV)	Event Continued
01/02/2013 05:00 PM	Tickler Session	Status Review (CV)	Event Continued
02/07/2014 09:00 AM	Civil Session	Motion Hearing (CV)	Event Continued
09/11/2014 09:00 AM	Civil Session	Motion Hearing (CV)	Held
11/20/2014 09:00 AM	Lobby Session	Case Management Conference	Held
12/01/2014 05:00 PM	Tickler Session	Status Review (CV)	Brought Forward
05/13/2015 09:00 AM	Lobby Session	Pretrial Conference (CV)	Event Continued
06/25/2015 09:00 AM	Lobby Session	Pretrial Conference (CV)	Event Continued
07/16/2015 09:00 AM	Civil Session	Motion Hearing (CV)	Held
09/01/2015 05:00 PM	Tickler Session	Status Review (CV)	Brought Forward
11/12/2015 09:00 AM	Civil Session	Motion Hearing (CV)	Held
11/24/2015 02:30 PM	Lobby Session	Case Management Conference	Held

01/07/2016 02:30 PM	Lobby Session		Pretrial Conference (CV)		Brought Forward
01/26/2016 02:00 PM	Civil Session		Motion Hearing (CV)		Held
02/11/2016 02:00 PM	Civil Session		Motion Hearing (CV)		Not Held But Event Resolved
02/25/2016 09:00 AM	Civil Jury Session		Jury Trial (CV)		Event Continued
05/26/2016 09:00 AM	Civil Jury Session		Jury Trial (CV)		Event Continued
06/30/2016 09:00 AM	Civil Session		Motion Hearing (CV)		Event Continued
09/22/2016 09:00 AM	Civil Jury Session		Jury Trial (CV)		Not Held But Event Resolved
04/21/2017 10:00 AM	Civil Session		Status Review (CV)		Held
07/21/2017 10:00 AM	Civil Session		Status Review (CV)		Held
11/16/2017 09:00 AM	Civil Session		Motion Hearing (CV)		Held
12/15/2017 09:00 AM	Civil Session		Pretrial Conference (CV)	McCallum, Hon. Paul J	Held
05/25/2018 09:00 AM	Civil Session		Motion Hearing (CV)	McCallum, Hon. Paul J	Held - under advisement
05/30/2018 09:00 AM	Civil Jury Session		Jury Trial (CV)	McCallum, Hon. Paul J	Event Continued
05/31/2018 09:00 AM	Civil Jury Session		Jury Trial in Progress To Continue On	McCallum, Hon. Paul J	Event Continued
06/01/2018 09:00 AM	Civil Jury Session		Jury Trial in Progress To Continue On	McCallum, Hon. Paul J	Event Continued
06/04/2018 09:00 AM	Civil Jury Session		Jury Trial in Progress To Continue On	McCallum, Hon. Paul J	Event Continued
06/05/2018 09:00 AM	Civil Jury Session		Jury Trial in Progress To Continue On	McCallum, Hon. Paul J	Held
03/21/2019 02:00 PM	Civil Session		Motion Hearing (CV)	McCallum, Hon. Paul J	Held - under advisement
08/13/2020 02:00 PM	Civil Session		Motion Hearing (CV)	McCallum, Hon. Paul J	Event Continued
09/17/2020 02:00 PM	Civil Session		Motion Hearing In Progress To Continue On	McCallum, Hon. Paul J	Held - under advisement
12/02/2021 10:30 AM	Civil Session	<a href="https://www.zoomgov.com/j/1612403071">https://www.zoomgov.com/j/1612403071</a> PW:567515	Motion Hearing (CV)	McGovern, Hon. James J	Event Continued
12/30/2021 10:30 AM	Civil Session	<a href="https://www.zoomgov.com/j/1612403071">https://www.zoomgov.com/j/1612403071</a> PW:567515	Motion Hearing (CV)		Event Continued
01/27/2022 10:30 AM	Civil Session	<a href="https://www.zoomgov.com/j/1612403071">https://www.zoomgov.com/j/1612403071</a> PW:567515	Motion Hearing (CV)		Held - under advisement
02/20/2025 10:30 AM	Civil Session	<a href="https://www.zoomgov.com/j/1612403071">https://www.zoomgov.com/j/1612403071</a> PW:567515	Motion Hearing (CV)		Event Cancelled

**Docket Information**

<u>Docket Date</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Image Avail.</u>
03/21/2025	Transcript for Motion Hearing_01-27-2022		
03/21/2025	Transcript received from court reporter (Dist./Mun.Cts. R.A.D.A. 8C(d) or Mass. R.A.P. 8(b) (1)); parties notified.		
	11/17/2023		
03/21/2025	Transcript for Motion Hearing 11/17/2023		
05/28/2025	Appearance filed On this date Dana Alan Curhan, Esq. added as Private Counsel for Defendant Robert J Langone		  <u>Image</u>
05/28/2025	Notice of assembly of record sent to Appeals Court clerk & to parties (Mass. R.A.P. 9(d)).		
06/11/2025	Notice of Entry of Appeal received. 2025-P-0692		

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**Case Disposition**

<u>Disposition</u>	<u>Date</u>	<u>Case Judge</u>
Disposed	01/05/2007	McCallum, Hon. Paul J

**COMMONWEALTH OF MASSACHUSETTS**  
**APPELLATE DIVISION OF THE DISTRICT COURT DEPARTMENT**  
**SOUTHERN DISTRICT**

**ROCKLAND TRUST COMPANY**

**V.**

**ROBERT J. LANGONE**

**NO. 23-ADCV-28SO**

**In the HINGHAM DIVISION:**

Justices: McCallum, J.; Harnais, J.  
Docket No. 0358CV0818  
Dates of Decisions Appealed: March 31, 2021; January 20, 2022  
Date of Entry in the Appellate Division: March 7, 2023

**In the APPELLATE DIVISION:**

Justices: Finnerty, P.J., Pino & Curran, JJ.  
Sitting in: Plymouth, Massachusetts  
Date of Hearing: November 17, 2023  
Date Opinion Certified: January 21, 2025

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**OPINION**

**PINO, J.** This appeal arises from a contractual dispute between the plaintiff, Rockland Trust Company (“Rockland Trust”), and the defendant, Robert J. Langone (“Langone”), through which both parties sought damages against the other for breach of contract. In addition, Langone sought damages for

Rockland Trust's alleged unfair and deceptive acts pursuant to G.L. c. 93A.

*Statement of the case.* The tortuous history of the civil action underlying this appeal arises from a decades long attempt by Rockland Trust to collect alleged debts from Langone, on loans made to a defunct corporation, Aunyx Corporation ("Aunyx"). Rockland Trust commenced its first civil action in the Hingham District Court against Aunyx and Langone on July 25, 1991. That case was, subsequently, dismissed on January 8, 1993 by agreement of the parties.

Some ten years later, Rockland Trust commenced a second civil action in the Hingham District Court against Langone on November 20, 2003, seeking payment of the two alleged promissory notes that were the subject of the previously dismissed civil action. Langone asserted a counterclaim against Rockland Trust for unfair and deceptive acts and practices. Thereafter, a bench trial occurred on December 15, 2006. Following that trial, judgment in favor of Rockland Trust was entered in the total amount of \$63,827.29 on January 5, 2007.

Langone filed a motion for relief from judgment pursuant to Rule 60(b) of the Massachusetts Rules of Civil Procedure on October 4, 2010. That motion was not heard until July 17, 2014. The court allowed the motion on August 8, 2014, through which the judgments against Langone were vacated. Rockland Trust, subsequently, appealed the allowance of the motion for relief from judgment.

Rockland Trust withdrew its appeal and filed a motion for clarification of the court's allowance of the motion for relief from judgment. The court clarified its decision by affirming that the allowance of the motion applied to both the award of damages assessed against Langone and the dismissal of Langone's counterclaim.

On July 8, 2015, Langone filed a motion to amend his counterclaim to add counts for breach of contract, fraud on the court, and to expand his claim for unfair and deceptive acts and practices. The court allowed that motion on September 23, 2015. Thereafter, on November 5, 2015, Rockland Trust filed a motion to dismiss Langone's counterclaims. The court denied that motion on November 12, 2015.

A jury trial commenced on May 30, 2018 on Langone's claim for breach of contract. The court reserved for itself Rockland Trust's claims for breach of contract and Langone's claim for unfair and

deceptive acts and practices. The jury returned a verdict in favor of Langone, awarding him damages in the amount of \$109,021.00 “plus attorneys’ fees.” Rockland Trust filed a motion for judgment notwithstanding the verdict on June 15, 2018, which was, subsequently, denied by the court.

With respect to Rockland Trust’s claims for breach of contract and Langone’s counterclaim for unfair and deceptive acts and practices, on February 7, 2021 the court found in favor of Rockland Trust in the amount of \$9,593.11 on its breach of contract claim and against Langone on his claim for unfair and deceptive acts and practices. Subsequently, Rockland Trust sought attorneys’ fees and costs in the amount of \$419,757.60, which was denied by the court on March 25, 2021.

Both Rockland Trust and Langone subsequently filed motions for prejudgment interest. Langone also requested attorney’s fees and compound interest. The court awarded Langone and Rockland Trust prejudgment interest and denied Langone’s request for attorney’s fees on March 25, 2021. No attorney’s fees were awarded. Judgment entered for Langone in the amount of \$592,628.02 and for Rockland Trust in the amount of \$44,901.61 on March 31, 2021.

Rockland Trust filed a notice of appeal on April 4, 2021. Langone filed a cross notice of appeal on April 14, 2021 and his Dist./Mun. Cts. R. A. D. A. 8C designation on May 14, 2021. Rockland Trust filed its Rule 8C designation on May 17, 2021. Langone filed a motion to dismiss Rockland Trust’s appeal on November 24, 2021. That motion was, subsequently denied by the court. This appeal then ensued.

*Factual Background.* We recite the facts, taken from the evidence at trial, and reserve for later discussion specific facts relevant to the G.L. c. 93A claim raised in this appeal.

In 1982, Langone, as President of Aunyx, entered into an agreement with Gourley Corp. in connection with his buyout of a partner. Through that agreement, Gourley Corp. advanced \$380,000 in exchange for 49% of the outstanding common stock of Aunyx and other related entities held by Margaret Gourley (“Gourley”). Upon becoming a shareholder, Gourley Corp.’s financial advisor, Jack Nevil (“Nevil”), was named as the Treasurer of Aunyx to oversee Gourley Corp.’s interests in the company. In addition, Nevil was appointed as a Trustee of the Hamill-Langone Realty Trust.

In or about March, 1984, Langone undertook to have Aunyx repurchase the 49% equity interest from Gourley Corp. through which 24.5% (\$192,023.00) was immediately paid and the remaining 24.5% at a later date for a cost of \$235,000, with such cost increasing to a maximum of an additional \$100,000.

In April of 1984, Aunyx received a check for \$100,000 from Rockland Trust that was destroyed by Langone. On April 26, 1984 and after destroying the check, Langone had the three officers of Aunyx, -- i.e., Robert Langone (President), Gisela Getz (Secretary), and Jack Nevil (Treasurer) -- execute a board resolution for each of the three separate "Aunyx" entities, including Aunyx Corporation. Those Board Resolutions form the contract upon which Langone sued Rockland Trust. Rockland Trust did not sign the Board Resolution, nor did it express any agreement to be bound by those resolutions.

On June 8, 1984, Aunyx entered into a promissory note with Rockland Trust in the amount of \$175,000 to purchase property in Scituate, Massachusetts. In connection with that promissory note, Langone executed an unlimited guaranty ("Guaranty") of Aunyx's past, present, and future obligations to Rockland Trust. The Guaranty required that Langone, as guarantor, pay Rockland Trust upon demand all outstanding indebtedness and legal expenses incurred by Rockland Trust in connection with the Guaranty and the enforcement thereof. In addition, Langone waived all defenses concerning those obligations.

On May 1, 1984, Aunyx executed and delivered to Rockland Trust a promissory note that bore no note or loan number in the amount of \$95,633.00 ("1984 Note"). The 1984 Note was signed by Nevil, as Treasurer of Aunyx and as trustee of the Gourley-Langone Trust. The original carbon of the "Customer Copy" of the 1984 Note is the only original version of that Note. The 1984 Note remained in Langone's possession at all relevant times and was, subsequently, given to his attorney, Christopher Sullivan, Esquire, in connection with the previous 1991 civil action.

With respect to the 1984 Note, Rockland Trust issued a Treasurer's Check dated May 1, 1984 made payable to "Aunyx Corporation Inc. and Gourley-Langone Trust" in the amount of \$95,633. Nevil endorsed the Treasurer's Check as both Treasurer of Aunyx and as Trustee of the Gourley-Langone Trust with the wording "Pay to the Order of Gourley Corporation." The \$95,633 was intended to be used for the repurchase of a certain amount of equity in Aunyx owned by Gourley Corp., i.e., \$45,000 was paid to

Aunyx Corp and \$50,633.00 to the Gourley Langone-Trust as part of the buyout of Gourley's equity in Aunyx.

Aunyx made specific payments of principal and interest on Loan No. 01218. As of December 2, 1991, there was a principal balance of \$5,125.60 remaining on that loan. As of May 31, 1986, the Bank Loan Payment History Cards for Loan No. 01218 showed a principal balance of \$25,633.00. The Aunyx Financial Statements dated as of May 31, 1986 also showed the identical balance.

On May 28, 1987, Langone, as President of Aunyx, signed a promissory note to Rockland Trust in the amount of \$12,493.11 (hereinafter the "1987 Note"). Aunyx subsequently made payments of principal and interest on the 1987 Note. As of December 2, 1991, there was a balance of \$9,593.11 on the 1987 Note. Rockland Trust made written demand for payment of the outstanding balances due on both the 1984 Note and the 1987 Note on three three separate occasions, i.e., October 29, 1990, February 13, 1991 and May 20, 1991. Thereafter, Aunyx ceased its business operations and was dissolved on August 31, 1998.

*Rockland Trust's appeal.* The District/Municipal Courts Rules for Appellate Division Appeal are neither complex, nor difficult to follow. Pursuant to Rules 3 and 4(a), an appeal is initiated by filing a notice of appeal and filing fee within ten 10 days of the entry of judgment. *Richardson v. Foodmaster Supermarket, Inc.*, 1998 Mass. App. Div. 49. As stated above, Rockland Trust timely filed its notice of appeal on April 4, 2021.

The second step in the Dist./Mun. Cts. R. A. D. A. is for the appellant to select one of the three alternative methods of appeal set forth in Rule 8A (Expedited Appeal), Rule 8B (Agreed Statement), and Rule 8C (Appeal on the Record of Proceedings), and then prepare the record and otherwise perfect the appeal within the time period prescribed in the selected rule. *Associated Chiropractic Serv., Inc. v. Travelers Ins. Co.*, 1998 Mass. App. Div. 189. Rockland Trust, having elected to proceed under Rule 8C, was obligated by Rule 8C(b) to file a simple, single-page, two-sentence document captioned "Appeal on the Record of Proceedings" within thirty days of the filing of its notice of appeal.

An appellee's motion to dismiss a noncomplying appeal presents the trial court with three



questions: whether, in fact, the appellant has violated a procedural requirement; whether that violation amounts to a “serious misstep,” *Brown v. Quinn*, 406 Mass. 641, 643-644 (1990), citing *Schulte v. Director of the Div. of Employment Sec.*, 369 Mass. 74, 79 (1975), warranting appeal dismissal; and whether, even in the case of a serious misstep, the appellant has advanced good cause for a Rule 14(b) extension of time to correct the procedural noncompliance. See generally, as to Rule 14(b) relief, *Lashus v. Slater*, 2009 Mass. App. Div. 89, 93; *Rocha v. Hanover Ins. Co.*, 2008 Mass. App. Div. 10, 11. In this case, all three questions are easily answered.

First, it is undisputed that Rockland Trust failed to timely designate its Rule 8C appeal within the required thirty days. Second, the failure to file a timely appeal on the record of proceedings designating the appellant’s election to proceed under Rule 8C constitutes a serious procedural misstep, the presumptive penalty for which is the dismissal of the appeal. *Georgantis v. Star Mkt. Cos.*, 2000 Mass. App. Div. 77, citing *Vyskocil v. Vyskocil*, 376 Mass. 137, 139-140 (1978); *Reiter Oldsmobile, Inc. v. General Motors Corp.*, 6 Mass. App. Ct. 637, 640 (1978). A dismissal for noncompliance with any appellate rule may be ordered by the trial court or the Appellate Division, *Associated Chiropractic Serv., Inc.*, *supra* at 190-191, either sua sponte or upon motion by the appellee. Third, it is equally clear that Rockland Trust never filed a Rule 14(b) motion to enlarge that time period. In that regard, the only remedy for Rockland Trust’s procedural noncompliance was via a Rule 14(b) motion for an extension of time to file its appeal on the record of proceedings in which it demonstrated “good cause” for its procedural noncompliance. *Signature Flight Support Corp. v. Global NAPS Realty, Inc.*, 2005 Mass. App. Div. 24, 27; *Miller v. Kimmelman*, 1997 Mass. App. Div. 135, 136; *Marino v. Kandris*, 1997 Mass. App. Div. 129, 130. Again, Rockland Trust failed to file such a motion at any time. Although the trial judge has discretion to allow a motion to enlarge that time period, that discretion is cabined by the principle of excusable neglect. *Shae v. Alvord*, 66 Mass. App. Ct. 910, 911 (2006). Where the record does not show facts sufficient to warrant a finding of excusable neglect, there is no room within which judicial discretion can operate. *Id.* See *Fergione v. Minuteman Regional Vocational Tech. Sch. Dist.*, 396 Mass. 1015, 1016 (1986). Such is the case herein.

*Langone's G.L. c. 93A appeal.* "We review a judge's findings of fact under the clearly erroneous standard and his conclusions of law de novo. . . . A ruling that conduct violates G.L. c. 93A is a legal, not a factual, determination [,] . . . [a]lthough whether a particular set of acts, in their factual setting, is unfair or deceptive is a question of fact . . ." (quotations and citations omitted). *Casavant v. Norwegian Cruise Line Ltd.*, 460 Mass. 500, 503 (2011).

With respect to Langone's bad faith claim against Rockland Trust, he alleged that Rockland Trust knowingly violated the contract to secure unwarranted benefits from him who was not privy to all of the facts recited above until 2012. Moreover, Langone alleged that Rockland Trust engaged in unfair and deceptive acts by breaching the implied covenant of good faith and fair dealing when it commenced an action for collection against him despite its alleged full knowledge that the 1984 Note was unauthorized and fraudulently obtained.

We begin by reciting the facts as found by the judge and supported by the record. From 1975 until 1998, Aunyx was engaged in the sale of photocopier machines, toner, and other photocopier supplies in Hingham, Massachusetts as well as other locations. Langone was a shareholder and president of Aunyx. Gourley was also a shareholder of Aunyx. Nevil served as Gourley's financial adviser, who was a trustee of the Hamill-Langone Trust. Nevil was also made a treasurer of Aunyx in order to oversee and protect Gourley's interest in Aunyx. From time to time, Aunyx borrowed money from Rockland Trust. On April 26, 1964, Aunyx adopted a Resolution of Corporate Board Authority to procure Loans that required the signatures of both the president and treasurer of Aunyx to procure loans from Rockland Trust.

On May 1, 1984, Nevil, as treasurer of Aunyx and as trustee of the Gourley-Langone Trust, signed a promissory note in the amount of \$95,653.00 with Rockland Trust. The original promissory note was never introduced as evidence during the trial. Rockland Trust then issued a treasurer's check in the amount of \$95,633.00 made payable to Aunyx and the Gourley-Langone Trust. On June 8, 1984, Langone signed an Unlimited Guaranty with Rockland Trust for all prior and future loans issued to Aunyx by Rockland Trust. Aunyx made certain payments of principal and interest on the \$95,633 note. As of

December 2, 1991, there was a balance of \$5,125.60.

On May 28, 1987, Langone, as President of Aunyx, signed a promissory note to Rockland Trust in the amount of \$12,493.11. Aunyx made certain payments of principal and interest on the \$12,491.11 Note. As of December 2, 1991, there was a balance of \$9,593.11. On October 29, 1990, February 13, 1991, and May 20, 1991, Rockland Trust made written demand upon Aunyx for payment of the balances due on each of these notes.

Based on the foregoing findings of fact, the trial judge found that Langone did not meet his burden of proof that Rockland's conduct was unfair or deceptive under G.L. c. 93A. Section 11 of that statute creates a cause of action for a business who suffers any loss of money or property as a result of another business's unfair method of competition or an unfair or deceptive act declared unlawful by G.L. c. 93A, § 2. In that regard, conduct of the defendant is judged by a higher standard of unfairness under G.L. c. 93A, § 11 claims than the standard applied for claims brought by consumers under G.L. c. 93A, § 9. *Madan v. Royal Indem. Co.*, 26 Mass. App. Ct. 756. (1959). "In determining whether a defendant engaged in unfair or deceptive conduct in violation of c. 93A, § 11, we avoid 'uninstructive phrases' such as 'level of rascality' and 'rancid flavor of unfairness,' and instead 'focus on the nature of challenged conduct and on the purpose and effect of that conduct'" (quotations omitted). *Massachusetts Employers Ins. Exch. v. Propac-Mass, Inc.*, 420 Mass. 39, 43 (1995). See *Green Paradise Servs., LLC v. Hatch Landscape & Design, Inc.*, 104 Mass. App. Ct. 1126 (2024) (unpublished). Unfair or deceptive acts are not defined by G.L. c. 93A, § 11, but are determined on a case-by-case basis. *Fraser Engineering Co. v. Desmond*, 26 Mass. App. Ct. 99 (1986). Failure to fulfill a business obligation or a breach of a contract does not amount to unfair or deceptive practices under G.L. c. 93A, § 11. *Worldwide Commodities, Inc. v. J. Amicone Co.*, 1991 Mass. App. Div. 157 (1991). Furthermore, failure to make required payments or termination of a contract does not rise to the level of unfair or deceptive practices to justify recovery under G.L. c. 93A, § 11. *Hartunian v. Pilgrim Ins. Co.*, 2012 Mass. App. Div. 208 (2012). An honest and good faith dispute over whether money is owed or some performance is due is also not considered an unfair or deceptive act under G.L. c. 93A, § 11. *Duclersaint v. Fannie Mae*, 427 Mass. 809, 811 (1998).

Based on the foregoing and the facts found by the trial judge, we find no error in the trial judge's finding that Rockland Trust's conduct was not unfair within the meaning of G.L. c. 93A, § 11.

The trial court's dismissal of Langone's G.L. c. 93A claim is affirmed. Rockland Trust's appeal is dismissed.

**HON. KEVIN J. FINNERTY, Presiding Justice**  
**HON. PAUL G. PINO, Justice**  
**HON. JEAN M. CURRAN, Justice**

**This certifies that this is the Opinion  
of the Appellate Division in this case.  
A True Copy, Attest:**

**/s/ Brien M. Cooper**

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**Brien M. Cooper, Clerk**

### **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).

Compliance with the applicable length limit of Rule 20 was ascertained as follows:

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Commonwealth of Massachusetts

Plymouth, SS.

Supreme Judicial Court  
No.

Appeals Court  
No. 2025-P-0692

Rockland Trust Company  
*Plaintiff and Defendant in Counterclaim*

v.

Robert Langone  
*Defendant and Plaintiff in Counterclaim*

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**Certificate of Service**

I certify that on July 25, 2025, I served the attached application for direct appellate review by sending it through the eFileMA system to:

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