

SUPERIOR COURT
BARNSTABLE, SS
NOV 29 2022
FILED
Scott W. Nickerson, Clerk
BARNSTABLE, SS.

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT
CIVIL ACTION
No. 2172CV00202

EDWARD J. DUNN AND ELEANOR J. DUNN
PLAINTIFF

V.

PETER D. BOSCO, M.D., SHANT O.
BROUKIAN, M.D., DAVID C. LEPPLA, M.D.
AND CAPE COD HOSPITAL
DEFENDANT

*Allowed -
Trial Assignment / Case-Specific
management conf. (Superior Ct R. 73(7))
to be scheduled.*

*Thomas J. Perrin, J.
12/8/2022*

**PLAINTIFFS' MOTION FOR A RULE 16 CONFERENCE AND ASSIGNMENT OF A
TRIAL DATE DUE TO ADVANCED AGE OF PLAINTIFFS UNDER MGL 231
SECTION 59F**

Now come the Plaintiffs, Edward Dunn and Eleanor Dunn, who hereby respectfully request the scheduling of a Status Conference pursuant to Mass.R.Civ.P. Rule 16 for the assignment of a trial date. Furthermore, because the plaintiff Dr. Edward Dunn, born September 21, 1938 and is currently of advanced age at 84 years old, the plaintiffs, through their attorney, hereby request assignment of a speedy trial under MGL 231 section 59F seeking to advance the proceedings so that it may be heard and determined with as little delay as possible due to plaintiff's advanced age.

In support of this motion, the Plaintiffs state the following:

This is a medical malpractice action that was filed on April 20, 2021. Per the tracking order, discovery is to be completed by May 2023. The Plaintiffs' counsel has noticed the defendants' depositions four times and each time they have been taken off with no new date offered by their counsel. Dr. Dunn wishes to attend these depositions and as a named party is entitled to do so.

In this case, the Plaintiffs allege that the medical care and treatment rendered to Dr. Dunn by the Defendants, fell below the accepted standard of care at the time for the average qualified