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**1781CV02701 Tuvell, Walter vs. Marshall, Jack**

- Case Type
- Torts
- Case Status
- Open
- File Date
- 09/13/2017
- DCM Track:
- A - Average
- Initiating Action:
- Defamation
- Status Date:
- 09/13/2017
- Case Judge:
- 
- Next Event:
- 

[All Information](#) | [Party](#) | [Event](#) | [Tickler](#) | [Docket](#) | [Disposition](#)

**Party Information**

**Tuvell, Walter**  
- Plaintiff

Alias

**Party Attorney**

- Attorney
- Pro Se
- Bar Code
- PROPER
- Address
- Phone Number
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[More Party Information](#)

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**Marshall, Jack**  
- Defendant

Alias

**Party Attorney**

[More Party Information](#)

**Events**

Date	Session	Location	Type	Event Judge	Result
04/18/2018 02:00 PM	Civil C Rm 610	Courtroom 610	Rule 12 Hearing	Barry-Smith, Hon. Christopher K	Rescheduled
06/07/2018 02:00 PM	Civil C Rm 610	Courtroom 610	Rule 12 Hearing	Barry-Smith, Hon. Christopher K	Held as Scheduled

**Ticklers**

Tickler	Start Date	Due Date	Days Due	Completed Date
Service	09/13/2017	12/12/2017	90	
Answer	09/13/2017	01/11/2018	120	
Rule 12/19/20 Served By	09/13/2017	01/11/2018	120	08/21/2018
Rule 12/19/20 Filed By	09/13/2017	02/12/2018	152	08/21/2018
Rule 12/19/20 Heard By	09/13/2017	03/12/2018	180	08/21/2018

<u>Tickler</u>	<u>Start Date</u>	<u>Due Date</u>	<u>Days Due</u>	<u>Completed Date</u>
Rule 15 Served By	09/13/2017	11/07/2018	420	08/21/2018
Rule 15 Filed By	09/13/2017	12/07/2018	450	08/21/2018
Rule 15 Heard By	09/13/2017	12/07/2018	450	08/21/2018
Discovery	09/13/2017	09/03/2019	720	08/21/2018
Rule 56 Served By	09/13/2017	10/03/2019	750	08/21/2018
Rule 56 Filed By	09/13/2017	11/04/2019	782	08/21/2018
Final Pre-Trial Conference	09/13/2017	03/02/2020	901	08/21/2018
Judgment	09/13/2017	09/14/2020	1097	08/21/2018
Under Advisement	06/07/2018	07/07/2018	30	

### Docket Information

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>
09/13/2017	Case assigned to: DCM Track A - Average was added on 09/13/2017	
09/13/2017	Original civil complaint filed.	1
09/13/2017	Civil action cover sheet filed.	2
09/13/2017	Demand for jury trial entered.	
09/13/2017	Attorney appearance On this date Pro Se added for Plaintiff Walter Tuvell	
09/19/2017	Service Returned for Defendant Marshall, Jack: Service via certified mail; on 9/14/17 at 836 Main St., Reading MA 01867.	3
10/06/2017	General correspondence regarding FAX TRANSMISSION DATED OCTOBER 4, 2017- Letter dated Oct.4, 2017 by defendant requesting time to respond to the complaint. ( Filed in Court this day )	4
10/11/2017	Defendant's Notice of intent to file motion notice of intent to file a motion for dismissal. ( Fax transmission dated October 9, 2017- Filed in Court this day )  Applies To: Marshall, Jack (Defendant)	5
10/17/2017	Plaintiff Walter Tuvell's Motion for Default Judgment	6
10/19/2017	Walter Tuvell's Memorandum in support of motion for default judgment (BIS)	7
10/26/2017	Walter Tuvell's Memorandum in opposition to Defendant's Motion To Dismiss	8
02/02/2018	The following form was generated:  Notice to Appear Sent On: 02/02/2018 08:43:34	
03/16/2018	The following form was generated:  Notice to Appear Sent On: 03/16/2018 10:01:35	
03/16/2018	Event Result: Judge: Barry-Smith, Hon. Christopher K The following event: Rule 12 Hearing scheduled for 04/18/2018 02:00 PM has been resulted as follows: Result: Rescheduled Reason: By Court prior to date	

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>
06/07/2018	Matter taken under advisement: Rule 12 Hearing scheduled on: 06/07/2018 02:00 PM Has been: Held - Under advisement Hon. Christopher K Barry-Smith, Presiding Appeared: Staff: Arthur T DeGuglielmo, Assistant Clerk Magistrate	
06/07/2018	Plaintiff Walter Tuvell's Motion for email communications	9
06/07/2018	Walter Tuvell's Memorandum in support of motion for email communications	9.1
06/07/2018	Walter Tuvell's Memorandum in opposition to defendant's motion for costs	10
08/13/2018	MEMORANDUM & ORDER:  ON DEFENDANT'S MOTION TO DISMISS  CONCLUSION: For the reasons set forth above, Tuvell has failed to state a claim for defamation and Marshall's motion to dismiss is ALLOWED.  See scanned document for full Decision and Order.  Judge: Barry-Smith, Hon. Christopher K	11
08/21/2018	JUDGMENT on Defendants, Jack Marshall 12(b) motion to dismiss against Plaintiff(s) Walter Tuvell. It is ORDERED and ADJUDGED: That the plaintiff Walter Tuvell's complaint be and hereby is dismissed.  Judge: Barry-Smith, Hon. Christopher K	12
09/10/2018	Notice of Appeal From the Court's Memorandum and Order allowing Defendant's Motion (and Memorandum) to Dismiss  Applies To: Tuvell, Walter (Plaintiff)	13
09/10/2018	Court received Notice of Audio Cassette & Transcript: related to appeal Plaintiff/Appellant hereby notices the Court/Clerk that: (i) the entirety of the (transcript of the electronic audio recording of the) Hearing of Oral Argument of Defendant's Motion to Dismiss is necessary for inclusion in the record on appeal. It is further hereby noticed that: (ii) the required so-called audio recording "cassette" has already been "ordered"  Applies To: Tuvell, Walter (Plaintiff)	14
09/24/2018	Court received Notice of Oral Argument Transcriber / Notice of Transcription; Certificate related to appeal	15
11/15/2018	CD of Transcript of 06/07/2018 02:00 PM Rule 12 Hearing received from and Prepared by Walter Tuvell.	16
11/15/2018	General correspondence regarding Notice Required by Clerk's Office	17
11/20/2018	Appeal: notice of assembly of record sent to Counsel	18
11/20/2018	Notice to Clerk of the Appeals Court of Assembly of Record	19

### Case Disposition

<u>Disposition</u>	<u>Date</u>	<u>Case Judge</u>
Judgment after Finding on Motion	08/21/2018	