

U.S. District Court  
U.S. District Court - Massachusetts (Boston)

CIVIL DOCKET FOR CASE #: 98-CV-10163

Elbery v. Sheketoff, et al  
Assigned to: Judge Mark L. Wolf  
Demand: \$10000,000,000  
Lead Docket: None  
Dkt# in other court: None

Filed: 01/29/98  
Jury demand: Plaintiff  
Nature of Suit: 440  
Jurisdiction: Federal Question

Cause: 42:1983 Civil Rights Act

MICHAEL ELBERY  
Plaintiff

Michael Elbery  
[COR LD NTC]  
S.E.C.C.  
12 Administrative Rd.  
Bridgewater, MA 02324-9106

v.

ROBERT SHEKETOFF, Attorney,  
The law firm & partnership of  
Sheketoff and Homan  
Defendant

Anthony M. Doniger  
[COR LD NTC]  
John G. O'Neill  
[COR LD NTC]  
Joseph J. Coppola  
[COR LD NTC]  
Sugarman, Rogers, Barshak &  
Cohen  
101 Merrimac Street  
9th Floor  
Boston, MA 02114-3030  
617-227-3030

KIMBERLY HOMAN, Attorney, The  
law firm & partnership of  
Sheketoff and Homan  
Defendant

Anthony M. Doniger  
(See above)  
[COR LD NTC]  
John G. O'Neill  
(See above)  
[COR LD NTC]  
Joseph J. Coppola  
(See above)  
[COR LD NTC]

Proceedings include all events.

1:98cv10163 Elbery v. Sheketoff, et al

1cv97 11743

1/29/98 1 Complaint filed. Case assigned to Judge: Lindsay. Receipt #: 3866 Amount:\$ 150.00. Fee Status: paid (sat)

1/29/98 -- Summons issued for Robert Sheketoff, Kimberly Homan (sat)

5/6/98 2 Notice of appearance of attorney for Robert Sheketoff, Kimberly Homan by Anthony M. Doniger, filed; c/s. (sat)

5/6/98 3 Waiver of service returned executed as to Robert Sheketoff, Kimberly Homan . Mailed on 5/5/98 . Answer due on 7/4/98 for Kimberly Homan, for Robert Sheketoff (sat)

6/12/98 4 Answer by Robert Sheketoff, Kimberly Homan to complaint, filed; c/s. (sat)

6/15/98 5 Judge Reginald C. Lindsay. Notice of Hearing/conference: set scheduling conference for 3:30 9/10/98. Notice sent to counsel on 6/15/98. (sat)

6/29/98 6 Notice of change of address filed by Michael Elbery by Michael Elbery . (seh)

7/15/98 7 Notice of change of address filed by Michael Elbery; c/s. (sat)

8/25/98 8 Joint statement by Michael Elbery, Robert Sheketoff, Kimberly Homan for scheduling conference . (sat)

9/10/98 -- Scheduling conference held. (sat) [Entry date 09/11/98]

9/10/98 9 Judge Reginald C. Lindsay. Clerk's Notes: re: scheduling conference, Cases to be consolidated with 97-11743-MLW. Plaintiff not to oppose the motion for consolidation. Court approves the schedule proposed by counsel and the plaintiff. set all discovery due for 5/31/99 Court Reporter: none present (sat) [Entry date 09/11/98]

9/14/98 10 Unopposed Motion by Robert Sheketoff, Kimberly Homan to consolidate cases, filed; c/s. (sat) [Entry date 09/17/98]

9/18/98 11 Motion by Michael Elbery to amend [1-1] complaint, filed; c/s. (sat) [Entry date 09/22/98]

10/19/98 -- Judge Reginald C. Lindsay. Endorsed Order entered granting [11-1] motion to amend [1-1] complaint. Notice sent to counsel on 10/19/98. (sat)

10/19/98 12 Amended complaint by Michael Elbery filed. (Answer due 10/29/98 for Kimberly Homan, for Robert Sheketoff ) . Amended complaint amends [1-1] complaint. (sat)

10/30/98 13 Answer by Robert Sheketoff, Kimberly Homan to amended complaint, filed; c/s. (sat)

Proceedings include all events.  
1:98cv10163 Elbery v. Sheketoff, et al

1cv97 11743

11/16/98 -- Judge Reginald C. Lindsay . Endorsed Order entered granting [10-1] motion to consolidate cases cc/cl. (ktb) [Entry date 12/07/98]

12/8/98 14 Notice of case assignment. Case reassigned from Judge Lindsay to Judge Mark L. Wolf . (ktb)

1/19/99 -- Consolidated Member Case. . Lead Case Number: 1cv97 11743 (ktb) [Entry date 06/21/99]

3/22/99 15 Notice of change of address filed by Michael Elbery . (sad) [Entry date 03/30/99]

5/5/99 16 Motion by Robert Sheketoff, Kimberly Homan to compel the production of documents and request for expenses, filed, c/s. (ktb) [Entry date 05/10/99]

5/5/99 17 Memorandum by Michael Elbery, Robert Sheketoff, Kimberly Homan in support of [16-1] motion to compel the production of documents and request for expenses, filed, c/s. (ktb) [Entry date 05/10/99]

5/12/99 18 Emergency Motion by Robert Sheketoff for protective order , filed. (eaf) [Entry date 05/13/99]

5/17/99 -- Judge Mark L. Wolf . Endorsed Order entered granting [18-1] motion for protective order . [EOD Date 2/25/00] (bfc) [Entry date 02/25/00]

5/24/99 19 Motion by Michael Elbery to compel the deft Shekefoff to answer pltf's interrogatories, filed, c/s. (ktb) [Entry date 05/25/99]

6/18/99 20 Motion of Attorney Barbara S. Liftman for protective order, filed., c/s. (ktb) [Entry date 06/22/99]

6/22/99 21 Motion by Michael Elbery to compel production of subpoenaed documentation, with requeszt for a hearing, Filed,c/s. (ktb) [Edit date 06/22/99]

6/24/99 -- Judge Mark L. Wolf . Endorsed Order entered granting [20-1] motion for protective order. "Allowed, with regard to the deposition scheduled for June 25, 1999. This case is hereby referred for all pretrial purposes to the Magistrate Judge, who sahl1 decide if any deposiiton of Ms. Liftman shall be permitted and whether any documents must be produced." cc/cl. [EOD Date 6/24/99] (ktb)

6/24/99 22 Judge Mark L. Wolf . ORDER entered: referral to Mag. Judge Joyce L. Alexander . . Purpose: Special Instructions: For All Pretrial Purposes . (ktb)

Proceedings include all events.  
1:98cv10163 Elbery v. Sheketoff, et al

1cv97 11743

6/24/99 -- Judge Mark L. Wolf . Endorsed Order entered granting [21-1] motion to compel production of subpoenaed documentation, in part( See endorsement of #20 of the same date) . [EOD Date 2/25/00] (bfc) [Entry date 02/25/00]

7/2/99 23 Judge Mark L. Wolf. Order entered. This Court hereby recuses itself from Elbery v. Sklut and Elbery c. Sheketoff pursuant to 28 U.S.C.A. Sec.455(a). SO ORDERED. [EOD Date 7/12/99] (ktb) [Entry date 07/12/99]

7/12/99 24 Motion by Michael Elbery to compel Pltff's Subpoena on Witness King, To Access Costs of Deposition Defaulted by Dennis King as Subpoenaed on 6/26/99 to extend Discovery Period in Order to Depose Witness Dennis King , filed, c/s. (ktb) [Entry date 07/16/99]

7/15/99 25 Judge Mark L. Wolf . ORDER entered: referral to Mag. Judge Marianne B. Bowler Purpose: for all pretrial purposes . (ktb) [Entry date 07/16/99]

7/20/99 26 Mag. Judge Marianne B. Bowler . Notice of Status Conference: set status conference for 10:15 8/3/99 before Mag. Judge Marianne B. Bowler. cc/cl. (rca)

7/21/99 -- Mag. Judge Marianne B. Bowler . Endorsed Order entered denying [24-1] motion to compel Pltff's Subpoena on Witness King, denying [24-2] motion To Access Costs of Deposition Defaulted by Dennis King as Subpoenaed on 6/26/99, denying [24-3] motion to extend Discovery Period in Order to Depose Witness Dennis King . [EOD Date 2/25/00] (bfc) [Entry date 02/25/00]

7/28/99 27 Response by Robert Sheketoff, Kimberly Homan in opposition to [24-3] motion to extend Discovery Period in Order to Depose Witness Dennis King, filed, c/s. (ktb) [Entry date 07/29/99]

8/3/99 -- ~~X~~ Status conference held. (kd) [Entry date 08/11/99]

8/3/99 28 Mag. Judge Marianne B. Bowler . Clerk's Notes: re: status conference. Conference consolidated with conference held in Elbery v. Sklut, 97-cv-11743, held on same date. See clerk's notes of 8/3/99 in 97-cv-11743. (kd) [Entry date 08/11/99]

9/3/99 29 Motion by Robert Sheketoff for protective order, filed, c/s. (ktb)

9/9/99 30 Motion by Richard M. Egbert to quash Subpoena, filed, c/s. (ktb) [Entry date 09/10/99] [Edit date 09/10/99]

9/9/99 -- Magistrate Judge Bowler. Endorsed Order entered granting [30-1] motion to quash Subpoena. cc/cl. [EOD Date 9/10/99] (ktb) [Entry date 09/10/99] [Edit date 09/10/99]

Proceedings include all events.  
1:98cv10163 Elbery v. Sheketoff, et al

1cv97 11743

9/10/99 31 Notice of withdrawal of Elizabeth Fahey as counsel by  
filed, c/s. (ktb) [Entry date 09/13/99]

9/20/99 32 Motion by Michael Elbery to compel Richard Egbert to  
Attend this pltf's deposition as Subpoenaed and to enlarge  
discovery period and Request for a Hearing, filed, c/s. (ktb)  
[Entry date 09/21/99]

9/20/99 33 Motion by Michael Elbery to compel Karen MacNutt to Attend  
Pltf's Deposition as Subpoenaed and motion to Enlarge  
Discovery Period for this Deposition, filed, c/s. (ktb)  
[Entry date 09/21/99]

9/23/99 34 Objection by Karen MaNutt re: [33-1] motion to compel Karen  
MacNutt to Attend Pltf's Deposition as Subpoenaed and  
motion to Enlarge Discovery Period for this Deposition,  
filed, c/s. (ktb) [Entry date 09/28/99]

9/23/99 35 Affidavit by Karen McNutt [34-1] miscellaneous , filed.  
(ktb) [Entry date 09/28/99]

9/27/99 36 Objection by Michael Elbery to Magistrate's Handling of  
Discovery, FILED. (ktb) [Entry date 09/28/99]

9/28/99 38 Reply by Michael Elbery to response to [33-1] motion to  
compel Karen MacNutt to Attend Pltf's Deposition as  
Subpoenaed and motion to Enlarge Discovery Period for this  
Deposition, filed., c/s. (ktb) [Entry date 09/30/99]

9/29/99 37 Response by Robert Sheketoff, Kimberly Homan in opposition  
to Pltf's Motions to enlarge discovery, FILED, c/s. (ktb)  
[Entry date 09/30/99]

9/29/99 -- Mag. Judge Marianne B. Bowler . Endorsed Order entered  
withdrawing [32-1] motion to compel Richard Egbert to  
Attend this pltf's deposition as Subpoenaed and to enlarge  
discovery period . [EOD Date 9/30/99] (ktb)  
[Entry date 09/30/99]

9/29/99 -- Mag. Judge Marianne B. Bowler . Endorsed Order entered  
denying [33-1] motion to compel Karen MacNutt to Attend  
Pltf's Deposition as Subpoenaed and motion to Enlarge  
Discovery Period for this Deposition . [EOD Date 9/30/99]  
(ktb) [Entry date 09/30/99]

10/7/99 39 Objection by Michael Elbery re: [0-0] endorsed order ,  
filed, c/s. (ktb) [Entry date 10/12/99]

11/15/99 40 Motion by Michael Elbery to compel concelaed documents by  
the Deft Robert Sheketoff and his Attorneys Doniger and  
Coppola, , filed, c/s. (ktb) [Entry date 11/18/99]

Proceedings include all events.  
1:98cv10163 Elbery v. Sheketoff, et al

1cv97 11743

11/15/99 41 Motion by Michael Elbery to disqualify the Municipal  
deft's attorney due to a conflict of interest, filed, c/s.  
(ktb) [Entry date 11/18/99]

11/15/99 42 Motion by Michael Elbery for inquiry to Judge Mark Wolf  
Regarding Illegal Tactics and Falsification of Evidence by  
the Deft's Attorneys, filed, c/s. (ktb)  
[Entry date 11/18/99]

11/15/99 46 Letter by Joseph J. Coppola dated: 11/15/99 to: Mr. Alba  
re: motion hearing filed. (sad) [Entry date 11/18/99]

11/17/99 43 Response by Robert Sheketoff in opposition to [40-1]  
motion to compel concealed documents by the Deft Robert  
Sheketoff and his Attorneys Doniger and Coppola, filed,  
c/s. (ktb) [Entry date 11/18/99]

11/17/99 44 Opposition to "Motion for Inquiry" And Cross Motion by  
Robert Sheketoff, Kimberly Homan for sanctions, filed,  
c/s. (ktb) [Entry date 11/18/99]

11/17/99 45 Response by Robert Sheketoff, Kimberly Homan in opposition  
to [40-1] motion to compel concealed documents by the Deft  
Robert Sheketoff and his Attorneys Doniger and Coppola, ,  
filed, c/s. (ktb) [Entry date 11/18/99]

12/27/99 47 Motion by Michael Elbery to suspend or freeze action due  
to imprisonment of pltf, filed, c/s. (ktb)

1/4/00 48 Response by Robert Sheketoff, Kimberly Homan in opposition  
to [47-1] motion to suspend or freeze action due to  
imprisonment of pltf , filed. (ktb) [Entry date 01/06/00]

1/25/00 49 Reply by Michael Elbery to response to [47-1] motion to  
suspend or freeze action due to imprisonment of pltf ,  
filed, c/s. (ktb) [Entry date 02/14/00]

2/17/00 50 Notice of change of address filed by Michael Elbery, c/s.  
(ktb) [Entry date 02/22/00]

2/29/00 -- Judge Mark L. Wolf . Endorsed Order entered denying [44-1]  
cross motion for sanctions. "This request for sanctions is  
hereby denied." cc/cl. [EOD Date 2/29/00] (ktb)

2/29/00 -- Judge Mark L. Wolf . Endorsed Order entered denying [42-1]  
motion for inquiry to Judge Mark Wolf Regarding Illegal  
Tactics and Falsification of Evidence by the Deft's  
Attorneys. cc/cl. [EOD Date 2/29/00] (ktb)

2/29/00 51 Judge Mark L. Wolf. Order entered. cc/cl. (See Order  
docketed in Lead Case No. 97-11743-MLW) cc/cl. [EOD Date  
3/1/00] (ktb) [Entry date 03/01/00]

Proceedings include all events.  
1:98cv10163 Elbery v. Sheketoff, et al

1cv97 11743

3/15/00 52 Reply/response by Defts in 97-11743-MLW to [39-1]  
Objection, filed, c/s. (ktb) [Entry date 03/17/00]

3/20/00 53 Notice of change of address filed by Michael Elbery by  
Michael Elbery, FILED, c/s. (ktb) [Entry date 03/21/00]

3/31/00 -- Mag. Judge Marianne B. Bowler . Endorsed Order entered  
granting in part, denying in part [16-1] motion to compel  
the production of documents and request for expenses . [EOD  
Date 3/31/00] (ktb)

3/31/00 -- Mag. Judge Marianne B. Bowler . Endorsed Order entered  
denying [19-1] motion to compel the deft Shekefoff to  
answer pltf's interrogatories . [EOD Date 3/31/00] (ktb)

3/31/00 -- Mag. Judge Marianne B. Bowler . Endorsed Order entered  
mooting [47-1] motion to suspend or freeze action due to  
imprisonment of pltf . [EOD Date 3/31/00] (ktb)

4/3/00 54 Mag. Judge Marianne B. Bowler . Notice of motion hearing:  
Motion hearing before Mag. Judge Marianne B. Bowler set  
for 10:30 4/24/00 for [40-1] motion to compel concelaed  
documents by the Deft Robert Sheketoff and his Attorneys  
Doniger and Coppola,, set for 10:30 4/24/00 for [41-1]  
motion to disqualify the Municipal attorney due to a  
conflict of interest . cc/cl. (rca)

4/24/00 -- Motion hearing re: [41-1] motion to disqualify the  
Municipal deft's attorney due to a conflict of interest  
Motion hearing held, [40-1] motion to compel concelaed  
documents by the Deft Robert Sheketoff and his Attorneys  
Doniger and Coppola, Motion hearing held (ktb)

4/24/00 55 Judge Mark L. Wolf . Clerk's Notes: denying [40-1] motion  
to compel concelaed documents by the Deft Robert Sheketoff  
and his Attorneys Doniger and Coppola, denying [41-1]  
motion to disqualify the Municipal deft's attorney due to a  
conflict of interest. Court informs the parties that with  
no other issues pending in the case, it will be returned to  
the District Judge. Court Reporter: Tape (ktb)

4/24/00 -- CASE NO LONGER REFERRED TO Mag. Judge Marianne B. Bowler  
. (ktb)

4/24/00 -- Motion(s) no longer referred: [41-1] motion to disqualify  
the Municipal deft's attorney due to a conflict of  
interest, [40-1] motion to compel concelaed documents by  
the Deft Robert Sheketoff and his Attorneys Doniger and  
Coppola, . (ktb)

Proceedings include all events.  
1:98cv10163 Elbery v. Sheketoff, et al

1cv97 11743

4/24/00 -- Judge Mark L. Wolf . Endorsed Order entered denying [40-1] motion to compel concealed documents by the Deft Robert Sheketoff and his Attorneys Doniger and Coppola, . [EOD Date 4/25/00] "Denied, this court is convinced that all the documents in the possession of Robert ASheketoff have been punished." cc/cl. (ktb) [Entry date 04/25/00]

4/24/00 -- Mag. Judge Marianne B. Bowler . Endorsed Order entered denying [41-1] motion to disqualify the Municipal deft's attorney due to a conflict of interest. (motion terminated through clerknotes) [EOD Date 4/25/00] (ktb) [Entry date 04/25/00]

4/24/00 56 Mag. Judge Marianne B. Bowler: Procedural Order, entered. [EOD Date This case was referred to this court for pretrial purposes (Docket Entry #25). Inasmuch as discovery is complete and all outstanding pretrial motions have been ruled upon, this case is hereby returned to the trial judge. 4/25/00] (ktb) [Entry date 04/25/00]

7/25/00 57 Motion by Michael Elbery to stay case with Notice of Address Change. filed. (ktb) [Entry date 07/31/00]

8/2/00 58 Notice of appearance of attorney for Robert Sheketoff, Kimberly Homan by John G. O'Neill, filed, c/s. (ktb) [Entry date 08/07/00]

8/2/00 59 Response by Robert Sheketoff, Kimberly Homan in opposition to [57-1] motion to stay case, filed, c/s. (ktb) [Entry date 08/07/00]

8/10/00 60 Reply by Michael Elbery to response to [57-1] motion to stay case, filed, c/s. (ktb)

9/15/00 -- Terminated document: granting [29-1] motion for protective order Requested by mlw. (ktb)

9/28/00 61 Judge Mark L. Wolf . Memorandum and Order entered. denying [57-1] motion to stay case. pretrial conference set for 12/6/00 at 3:00 p.m. cc/cl [EOD Date 9/29/00] (ktb) [Entry date 09/29/00]

9/28/00 62 Judge Mark L. Wolf . Order entered, set pretrial conference for 3:00 12/6/00 Trial will be set at the pretrial conference. [EOD Date 10/3/00] (ktb) [Entry date 10/03/00]

10/27/00 63 Motion by Robert Sheketoff, Kimberly Homan for summary judgment, and for separate and final judgment, filed, c/s. (ktb) [Entry date 10/30/00]

10/27/00 64 Memorandum by Robert Sheketoff, Kimberly Homan in support of [63-1] motion for summary judgment, with Exhibit A, filed, c/s. (ktb) [Entry date 10/30/00]



Proceedings include all events.  
1:98cv10163 Elbery v. Sheketoff, et al

1cv97 11743

10/27/00 65 Statement of Facts by Robert Sheketoff, Kimberly Homan in support of [63-1] motion for summary judgment , filed. (ktb) [Entry date 10/30/00]

10/27/00 66 Affidavit of Robert Sheketoff in support of motion for summary judgment filed 10/27/00, filed, c/s/. (ktb) [Entry date 10/30/00]

10/27/00 67 Affidavit of Karen L McNutt re: [63-1] motion for summary judgment , filed, c/s. (ktb) [Entry date 10/30/00]

10/27/00 68 Affidavit of Anthony M. Doniger re: [63-1] motion for summary judgment, filed, c/s. (ktb) [Entry date 10/30/00]

11/16/00 69 Motion by Michael Elbery for continuance of summary judgment proceeding to extend the time to oppose deft's summary judgment and to file pltf's motion for summary judgment time to to, filed, c/s. (ktb) [Entry date 11/20/00]

11/17/00 70 Third Motion by Michael Elbery to stay of case, filed, c/s. (ktb) [Entry date 11/20/00]

12/1/00 71 Pretrial memorandum by Robert Sheketoff, filed, c/s. (ktb) [Entry date 12/04/00]

12/4/00 72 Motion by Michael Elbery for equal rights, filed, c/s. (ktb)

12/4/00 73 Motion by Michael Elbery for summary judgment, filed, c/sd. (ktb)

12/4/00 74 List of Attachments re Pltf's Motion for Summary Judgment, FILED, c/s. (ktb)

12/4/00 75 Affidavit of Michael Elbery of Michael Elbery , re: [73-1] motion for summary judgment, filed, c/s. (ktb)

12/4/00 76 Memorandum by Michael Elbery in support of [73-1] motion for summary judgment, filed, c/s. (with attachments) (ktb) [Edit date 12/04/00]

12/11/00 77 Response by Michael Elbery in opposition to [73-1] motion for summary judgment, filed. (ktb) [Entry date 12/12/00]

12/11/00 78 Affidavits of Michael Elbery in support of his [77-1] opposition response, filed. (ktb) [Entry date 12/12/00]

1/5/01 79 Motion by Michael Elbery for court to allow him to provide the court with a typed version of his opposition to Deft's motion for Summary Judgment, filed, c/s. (ktb) [Entry date 01/08/01]

Proceedings include all events.  
1:98cv10163 Elbery v. Sheketoff, et al

1cv97 11743

1/8/01 80 Exhibits by Michael Elbery in support fo Exhibit #2 of  
pltf's opposition to deflt's motion for summmary judgment  
Filed in CA. 97-11743-MLW, FILED. (ktb)  
[Entry date 01/09/01] [Edit date 01/09/01]

1/8/01 81 Pltft's Supplement to Pltft's Motion for summary judgment by  
Michael Elbery, filed, c/s. (ktb) [Entry date 01/16/01]

1/10/01 82 Pltft's Supplement to his Motion for Summary judgment,  
FILED. (ktb) [Entry date 01/16/01]

2/1/01 83 Response by Robert Sheketoff, Kimberly Homan in opposition  
to Motion to Disqualify Judge Wolf, (motion filed in  
97CV11743-MLW), FILED, c/s. (ktb) [Edit date 02/01/01]

2/8/01 84 Memorandum by Robert Sheketoff in opposition to [73-1]  
motion for summary judgment, and in further support of  
their motion for summary judgment, filed, c/s. (ktb)

2/20/01 85 Judge Mark L. Wolf . Memorandum and Order entered. [EOD  
Date 2/20/01] Deft Elbery's motion for recusal filed in  
CA. 97-11743-MLW LEAD CASE, Doc. #203, is DENIED. (ktb)

2/20/01 -- Writ of Habeas Corpus issued for appearance of: Micahel  
elbery on 2/26/01. (ktb)

3/1/01 86 Reply by Michael Elbery to response to [73-1] motion for  
summary judgment, filed, c/s. (ktb) [Entry date 03/22/01]

3/1/01 88 Motion by Michael Elbery to stay trial, filed, c/s. (ktb)  
[Entry date 03/23/01]

3/1/01 89 Affidavit of Michael Elbery re: [88-1] motion to stay  
trial, filed, c/s. (ktb) [Entry date 03/23/01]

3/7/01 87 Letter by Michael Elbery requeting that a copy of the  
docket entries from 7/1/00 to 3/7/01, FILED. (ktb)  
[Entry date 03/22/01]