1999 WL 515561 Only the Westlaw citation is currently available. Massachusetts Superior Court.

> Joseph JORDAN v. Larry DUBOIS

No. 96-237. | June 1, 1999.

Opinion

Memorandum of Decision and Order on Plaintiff's Motion for Transcripts and Plaintiff's Motion for Reconsideration

BRASSARD, Justice of the Superior Court.

*1 The plaintiff has filed a motion seeking copies of the transcripts from certain hearings held during the pendency of this action. Pursuant to G.L.c. 261, Sec. 27A-C, the plaintiff asks for the transcripts of a hearing held on a motion for an injunction on September 4, 1997 (Neel, J.) and of a hearing on the parties' cross motions to dismiss and for summary judgment on March 24, 1999 (Brassard, J.). Following review of the papers submitted by the parties and after hearing, the plaintiff's motion is DENIED.

In the instant case, the plaintiff asserts that there were certain "admissions," relating to the continuance issue, made by the defendants at the September 1997 hearing. However, neither the plaintiff's papers, nor his statements

at the hearing, provided the court with any detail as to what those admissions allegedly were. At the hearing on March 24, 1999, all of the matters before the court, including the continuance issue, were fully briefed and argued by the parties.

Where a party has been determined by the court to be indigent, the court "shall not deny any request with respect to normal fees and costs, and it shall not deny any request with respect to extra fees and costs if it finds the document, service or object is reasonably necessary to assure the applicant as effective a prosecution, defense or appeal as he would have if he were financially able to pay." G.L.c. 261, Sec. 27C (emphasis supplied). It is not common practice in the Superior Court to make a stenographic record of hearings on civil motions except when there is a pro se party involved. Consequently, a transcript of proceedings such as these is not often available to parties in a civil action, regardless of their ability to pay.

Where, as here, the plaintiff has not established that the transcripts are reasonably necessary to his case, the motion for transcripts will be denied. In addition, as the plaintiff's motion for reconsideration relies upon his receipt of the aforementioned transcripts, that motion is also denied.

ORDER

For the foregoing reasons, the court ORDERS that the Plaintiff's Motion for Transcripts and Motion for Reconsideration be DENIED.