26 MISC 000403 Mui, Halona , et al. v. City of Malden , et al. RUBIN

- Case Type:
- Miscellaneous
- Case Status:
- Open
- File Date
- 07/27/2026
- DCM Track:
-
- Initiating Action:
- eFiled ZAC - Appeal from Zoning/Planning Board, G.L. Chapter 40A, § 17
- Status Date:
- 07/27/2026
- Case Judge:
- Rubin, Hon. Diane R.
- Next Event:
- 12/14/2026
-

Property Information

36 Charles Street
Malden

All Information | Party | Event | Docket | Financial | Receipt | Disposition

Party Information

Mui, Halona
- Plaintiff

Party Attorney
- Attorney
- Heath, Esq., Quinn R
- Bar Code
- 709258
- Address
- Cable, Fleisher and Sosebee, PLLC
  476 Windsor St
  Apt 1
  Cambridge, MA 02141
- Phone Number
- (617)468-8343
- Attorney
- Mensing, Esq., Blake M
- Bar Code
- 678779
- Address
- Cable Fleisher and Sosebee PLLC
  90 Conz St
  Northampton, MA 01060
- Phone Number
- (413)268-6500

More Party Information

Misty Mountain Shop LLC
- Plaintiff

Party Attorney
- Attorney
- Heath, Esq., Quinn R
- Bar Code
- 709258
- Address
- Cable, Fleisher and Sosebee, PLLC
  476 Windsor St
  Apt 1
  Cambridge, MA 02141
- Phone Number
- (617)468-8343
- Attorney
- Mensing, Esq., Blake M
- Bar Code

- 678779
- Address
- Cable Fleisher and Sosebee PLLC
  90 Conz St
  Northampton, MA 01060
- Phone Number
- (413)268-6500

More Party Information

City of Malden
- Defendant

Party Attorney
- Attorney
- McNeil, Esq., Alicia Ann
- Bar Code
- 632134
- Address
- Law Offices of Alicia A. McNeil
  15 Lincoln St
  Suite 190
  Wakefield, MA 01880
- Phone Number
- (617)263-0123
- Attorney
- Mooney, Esq., Christopher
- Bar Code
- 707527
- Address
- City of Malden
  215 Pleasant St
  Suite 420
  Malden, MA 02148
- Phone Number
- (781)397-7106
- Attorney
- Samee, Esq., Zaheer
- Bar Code
- 667751
- Address
- Frisoli Associates, P.C.
  25 Burlington Mall Rd
  Suite 307
  Burlington, MA 01803
- Phone Number
- (617)494-0200

More Party Information

Peg Crowe, as member of the City of Malden City Council
- Defendant

Party Attorney
- Attorney
- McNeil, Esq., Alicia Ann
- Bar Code
- 632134
- Address
- Law Offices of Alicia A. McNeil
  15 Lincoln St
  Suite 190
  Wakefield, MA 01880
- Phone Number
- (617)263-0123
- Attorney
- Mooney, Esq., Christopher
- Bar Code
- 707527
- Address
- City of Malden
  215 Pleasant St
  Suite 420
  Malden, MA 02148
- Phone Number
- (781)397-7106
- Attorney
- Samee, Esq., Zaheer
- Bar Code
- 667751
- Address
- Frisoli Associates, P.C.
  25 Burlington Mall Rd

Suite 307
Burlington, MA 01803
- Phone Number
- (617)494-0200

More Party Information

Paul Condon, as member of the City of Malden City Council
- Defendant

Party Attorney
- Attorney
- McNeil, Esq., Alicia Ann
- Bar Code
- 632134
- Address
- Law Offices of Alicia A. McNeil
  15 Lincoln St
  Suite 190
  Wakefield, MA 01880
- Phone Number
- (617)263-0123
- Attorney
- Mooney, Esq., Christopher
- Bar Code
- 707527
- Address
- City of Malden
  215 Pleasant St
  Suite 420
  Malden, MA 02148
- Phone Number
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- Samee, Esq., Zaheer
- Bar Code
- 667751
- Address
- Frisoli Associates, P.C.
  25 Burlington Mall Rd
  Suite 307
  Burlington, MA 01803
- Phone Number
- (617)494-0200

More Party Information

Amanda Linehan., as member of the City of Malden City Council
- Defendant

Party Attorney
- Attorney
- McNeil, Esq., Alicia Ann
- Bar Code
- 632134
- Address
- Law Offices of Alicia A. McNeil
  15 Lincoln St
  Suite 190
  Wakefield, MA 01880
- Phone Number
- (617)263-0123
- Attorney
- Mooney, Esq., Christopher
- Bar Code
- 707527
- Address
- City of Malden
  215 Pleasant St
  Suite 420
  Malden, MA 02148
- Phone Number
- (781)397-7106
- Attorney
- Samee, Esq., Zaheer
- Bar Code
- 667751
- Address
- Frisoli Associates, P.C.
  25 Burlington Mall Rd
  Suite 307
  Burlington, MA 01803
- Phone Number

- (617)494-0200

More Party Information

Ryan O'Malley, as member of the City of Malden City Council
- Defendant

Party Attorney
- Attorney
- McNeil, Esq., Alicia Ann
- Bar Code
- 632134
- Address
- Law Offices of Alicia A. McNeil
  15 Lincoln St
  Suite 190
  Wakefield, MA 01880
- Phone Number
- (617)263-0123
- Attorney
- Mooney, Esq., Christopher
- Bar Code
- 707527
- Address
- City of Malden
  215 Pleasant St
  Suite 420
  Malden, MA 02148
- Phone Number
- (781)397-7106
- Attorney
- Samee, Esq., Zaheer
- Bar Code
- 667751
- Address
- Frisoli Associates, P.C.
  25 Burlington Mall Rd
  Suite 307
  Burlington, MA 01803
- Phone Number
- (617)494-0200

More Party Information

Ari Taylor, as member of the City of Malden City Council
- Defendant

Party Attorney
- Attorney
- McNeil, Esq., Alicia Ann
- Bar Code
- 632134
- Address
- Law Offices of Alicia A. McNeil
  15 Lincoln St
  Suite 190
  Wakefield, MA 01880
- Phone Number
- (617)263-0123
- Attorney
- Mooney, Esq., Christopher
- Bar Code
- 707527
- Address
- City of Malden
  215 Pleasant St
  Suite 420
  Malden, MA 02148
- Phone Number
- (781)397-7106
- Attorney
- Samee, Esq., Zaheer
- Bar Code
- 667751
- Address
- Frisoli Associates, P.C.
  25 Burlington Mall Rd
  Suite 307
  Burlington, MA 01803
- Phone Number
- (617)494-0200

More Party Information

Stephen Winslow, as member of the City of Malden City Council
- Defendant

Party Attorney
- Attorney
- McNeil, Esq., Alicia Ann
- Bar Code
- 632134
- Address
- Law Offices of Alicia A. McNeil
  15 Lincoln St
  Suite 190
  Wakefield, MA 01880
- Phone Number
- (617)263-0123
- Attorney
- Mooney, Esq., Christopher
- Bar Code
- 707527
- Address
- City of Malden
  215 Pleasant St
  Suite 420
  Malden, MA 02148
- Phone Number
- (781)397-7106
- Attorney
- Samee, Esq., Zaheer
- Bar Code
- 667751
- Address
- Frisoli Associates, P.C.
  25 Burlington Mall Rd
  Suite 307
  Burlington, MA 01803
- Phone Number
- (617)494-0200

More Party Information

Chris Simonelli, as member of the City of Malden City Council
- Defendant

Party Attorney
- Attorney
- McNeil, Esq., Alicia Ann
- Bar Code
- 632134
- Address
- Law Offices of Alicia A. McNeil
  15 Lincoln St
  Suite 190
  Wakefield, MA 01880
- Phone Number
- (617)263-0123
- Attorney
- Mooney, Esq., Christopher
- Bar Code
- 707527
- Address
- City of Malden
  215 Pleasant St
  Suite 420
  Malden, MA 02148
- Phone Number
- (781)397-7106
- Attorney
- Samee, Esq., Zaheer
- Bar Code
- 667751
- Address
- Frisoli Associates, P.C.
  25 Burlington Mall Rd
  Suite 307
  Burlington, MA 01803
- Phone Number
- (617)494-0200

More Party Information

Jadeane Sica, as member of the City of Malden City Council
- Defendant

Party Attorney

- Attorney
- McNeil, Esq., Alicia Ann
- Bar Code
- 632134
- Address
- Law Offices of Alicia A. McNeil
  15 Lincoln St
  Suite 190
  Wakefield, MA 01880
- Phone Number
- (617)263-0123
- Attorney
- Mooney, Esq., Christopher
- Bar Code
- 707527
- Address
- City of Malden
  215 Pleasant St
  Suite 420
  Malden, MA 02148
- Phone Number
- (781)397-7106
- Attorney
- Samee, Esq., Zaheer
- Bar Code
- 667751
- Address
- Frisoli Associates, P.C.
  25 Burlington Mall Rd
  Suite 307
  Burlington, MA 01803
- Phone Number
- (617)494-0200

More Party Information

Michelle Luong, as member of the City of Malden City Council
- Defendant

Party Attorney

- Attorney
- McNeil, Esq., Alicia Ann
- Bar Code
- 632134
- Address
- Law Offices of Alicia A. McNeil
  15 Lincoln St
  Suite 190
  Wakefield, MA 01880
- Phone Number
- (617)263-0123
- Attorney
- Mooney, Esq., Christopher
- Bar Code
- 707527
- Address
- City of Malden
  215 Pleasant St
  Suite 420
  Malden, MA 02148
- Phone Number
- (781)397-7106
- Attorney
- Samee, Esq., Zaheer
- Bar Code
- 667751
- Address
- Frisoli Associates, P.C.
  25 Burlington Mall Rd
  Suite 307
  Burlington, MA 01803
- Phone Number
- (617)494-0200

More Party Information

Karen Colón Hayes, as member of the City of Malden City Council
- Defendant

Party Attorney

- Attorney
- McNeil, Esq., Alicia Ann

- Bar Code
- 632134
- Address
- Law Offices of Alicia A. McNeil
  15 Lincoln St
  Suite 190
  Wakefield, MA 01880
- Phone Number
- (617)263-0123
- Attorney
- Mooney, Esq., Christopher
- Bar Code
- 707527
- Address
- City of Malden
  215 Pleasant St
  Suite 420
  Malden, MA 02148
- Phone Number
- (781)397-7106
- Attorney
- Samee, Esq., Zaheer
- Bar Code
- 667751
- Address
- Frisoli Associates, P.C.
  25 Burlington Mall Rd
  Suite 307
  Burlington, MA 01803
- Phone Number
- (617)494-0200

More Party Information

Carey McDonald, as member of the City of Malden City Council
- Defendant

Party Attorney
- Attorney
- McNeil, Esq., Alicia Ann
- Bar Code
- 632134
- Address
- Law Offices of Alicia A. McNeil
  15 Lincoln St
  Suite 190
  Wakefield, MA 01880
- Phone Number
- (617)263-0123
- Attorney
- Mooney, Esq., Christopher
- Bar Code
- 707527
- Address
- City of Malden
  215 Pleasant St
  Suite 420
  Malden, MA 02148
- Phone Number
- (781)397-7106
- Attorney
- Samee, Esq., Zaheer
- Bar Code
- 667751
- Address
- Frisoli Associates, P.C.
  25 Burlington Mall Rd
  Suite 307
  Burlington, MA 01803
- Phone Number
- (617)494-0200

More Party Information

DMS Trinity, LLC
- Defendant

Party Attorney
- Attorney
- Di Marco, Esq., Roberto Luigi
- Bar Code
- 645157
- Address

- Foster, Walker and Di Marco, P.C.
  350 Main St
  Third Floor
  Malden, MA 02148
- Phone Number
- (781)322-3700
- Attorney
- Foster, Esq., Jennifer Martin
- Bar Code
- 644796
- Address
- Foster, Walker and Di Marco, P.C.
  350 Main St
  Third Floor
  Malden, MA 02148
- Phone Number
- (781)322-3700
- Attorney
- Sweet, Esq., Jason E
- Bar Code
- 668596
- Address
- Foster, Walker and Di Marco
  350 Main St
  Malden, MA 02148
- Phone Number
- (781)322-3700

More Party Information

Beach House Cannabis, LLC
- Defendant

Party Attorney

More Party Information

Spinney, Roseanne J.
- Defendant

Party Attorney
- Attorney
- Di Marco, Esq., Roberto Luigi
- Bar Code
- 645157
- Address
- Foster, Walker and Di Marco, P.C.
  350 Main St
  Third Floor
  Malden, MA 02148
- Phone Number
- (781)322-3700
- Attorney
- Foster, Esq., Jennifer Martin
- Bar Code
- 644796
- Address
- Foster, Walker and Di Marco, P.C.
  350 Main St
  Third Floor
  Malden, MA 02148
- Phone Number
- (781)322-3700
- Attorney
- Sweet, Esq., Jason E
- Bar Code
- 668596
- Address
- Foster, Walker and Di Marco
  350 Main St
  Malden, MA 02148
- Phone Number
- (781)322-3700

More Party Information

Events

Date	Type	Event Judge	Result
09/08/2026 02:00 PM	Case Management Conference	Rubin, Hon. Diane R.	Held via Hybrid Session.

Date	Type	Event Judge	Result
09/15/2026 09:30 AM	Case Management Conference	Rubin, Hon. Diane R.	Continued
09/23/2026 02:30 PM	Case Management Conference	Rubin, Hon. Diane R.	Rescheduled
12/14/2026 02:30 PM	Case Management Conference	Rubin, Hon. Diane R.	

Docket Information

Docket Date	Docket Text	Amount Owed	Image Avail.
07/27/2026	Land Court miscellaneous filing fee Receipt: 471575 Date: 07/28/2026	$240.00	
07/27/2026	Land Court surcharge Receipt: 471575 Date: 07/28/2026	$15.00	
07/27/2026	Case assigned to the Fast Track per Land Court Standing Order 1:04.		
07/27/2026	Uniform Counsel Certificate for Civil Cases filed by Plaintiff.		
07/27/2026	Complaint eFiled.		Image
07/27/2026	Complaint eFiled. (NOTE: This is the Exhibits to the Complaint)		Image
07/27/2026	Corporate Disclosure of Misty Mountain Shop, LLC, filed.		Image
07/31/2026	Plaintiff's Notice of First Amended Complaint, filed.		Image
07/31/2026	First Amended Complaint, filed.		Image
07/31/2026	Exhibit A of the Amended Complaint, filed.		Image
07/31/2026	Appearance of Quinn R Heath, Esq. for Halona Mui, Misty Mountain Shop LLC, filed		Image
08/05/2026	The case has been assigned to the F Track. Notice sent. Plaintiff: Blake M Mensing, Esq. blake@cfsattorneys.com Plaintiff: Quinn R Heath, Esq. quinn@cfsattorneys.com Sent On: 08/05/2026 10:16:57		Image Image
08/05/2026	Event Scheduled Judge: Rubin, Hon. Diane R. Event: Case Management Conference Date: 09/15/2026 Time: 09:30 AM		
08/12/2026	Appearance of Alicia Ann McNeil, Esq. for City of Malden, filed		
08/12/2026	Defendant's Motion to Continue, filed and ALLOWED. Case Management Conference Continued to September 8, 2026 at 2:00pm via zoom. Counsel notified via email. Judge: Rubin, Hon. Diane R.		Image Image
08/17/2026	Affidavit of Service, filed.		
08/19/2026	Event Resulted: Case Management Conference scheduled on: 09/15/2026 09:30 AM Has been: Continued For the following reason: Request of Defendant(s) Hon. Diane R. Rubin, Presiding		Image
08/19/2026	Event Scheduled Judge: Rubin, Hon. Diane R. Event: Case Management Conference Date: 09/08/2026 Time: 02:00 PM		
08/26/2026	Appearance of Zaheer Samee, Esq. for City of Malden, filed		
08/26/2026	Appearance of Prasanna V Rajasekaran, Esq. for City of Malden, filed		Image
08/26/2026	Appearance of Christopher Mooney, Esq. for City of Malden, filed		Image
09/01/2026	Case Management Conference Joint Statement, filed.		Image Image

Docket Date	Docket Text	Amount Owed	Image Avail.
09/08/2026	Appearance of Roberto Luigi Di Marco, Esq., Jennifer Martin Foster, Esq., Jason E Sweet, Esq. for DMS Trinity, LLC, filed		Image
09/08/2026	Defendant DMS Trinity, LLC's Addendum to the Joint Case Management Conference Statement, filed.		Image
09/08/2026	Event Resulted: Case Management Conference scheduled on: 09/08/2026 02:00 PM Has been: Hybrid Initial case management conference and early intervention held. Attorney Blake Mensing appeared on behalf of Halona Mui and Misty Mountain Shop LLC ("Mui," "Misty Mountain," and collectively, the "Plaintiffs"). Attorneys Alicia McNeil and Prasanna Rajasekaran appeared on behalf of the City of Malden and the members of the City of Malden City Council (the "City Council," and collectively, the "City Defendants"). Attorney Roberto Di Marco appeared in person on behalf of DMS Trinity, LLC ("DMS"). Court is in receipt of the Complaint, Corporate Disclosure of Misty Mountain Shop, LLC, Plaintiff's Notice of First Amended Complaint, First Amended Complaint, Exhibit A of the Amended Complaint, Case Management Conference Joint Statement, and DMS Trinity, LLC's Addendum to the Joint Case Management Conference Statement. By way of background, Plaintiffs appeal pursuant to G.L. c. 40A § 17 from a decision of the City Council granting DMS' request to eliminate a special condition of its Marijuana Special Permit, specifically a condition which prohibits transfer to another operator of the retail marijuana establishment. DMS seeks to transfer its Marijuana Special Permit to Beach House Cannabis LLC ("Beach House") at 36 Charles Street, Malden (the "Property"). Plaintiffs contend, inter alia, that such transfer violates the Malden Zoning Ordinance under section 12.12.190(H)(1). DMS and the City Defendants contend that section 12.12.190 is inapplicable in light of this court's Decision and Clarified Judgment in 22 MISC 000076 Benevolent Botanicals LLC, et al. v. City of Malden, et al. (Rubin, J.), and that Malden's general zoning bylaws instead should govern the procedures regarding conditions and transfer of a special permit. Court first inquired as to whether Beach House and the Property's owner, Charles Street Realty Trust, should be joined as parties to this action. Following colloquy, Plaintiffs to file a second amended complaint naming Beach House and Charles Street Realty Trust as parties. Court and counsel discussed the complexities of the Plaintiffs' claims in light of the Decision and Clarified Judgment issued in 22 MISC 000076 Benevolent Botanicals LLC, et al. v. City of Malden, et al. (Rubin, J.), specifically with regard to which bylaw should govern DMS' marijuana special permit, which was granted prior to the court's Decision and Clarified Judgment in 22 MISC 000076. Following colloquy, court encouraged the parties to consider engaging mediation to avoid the time, risk, and expense of protracted litigation, with counsel requesting additional time to consider the most efficient path to resolving this action. Further case management conference scheduled for September 23, 2026 at 2:30P.M., at which time court to discuss further whether a motion to dismiss might be appropriate and/or possibly a motion to clarify the Decision and Clarified Judgment in 22 MISC 000076. Hon. Diane R. Rubin, Presiding		Image
09/08/2026	Alternative Dispute Resolution: Early Intervention Event held. Judge: Rubin, Hon. Diane R.		
09/09/2026	Notice of Docket Entry: Notice of Docket Entry was generated and sent to: Plaintiff: Blake M Mensing, Esq. blake@cfsattorneys.com Plaintiff: Quinn R Heath, Esq. quinn@cfsattorneys.com Defendant: Alicia Ann McNeil, Esq. amcneillaw@gmail.com Defendant: Zaheer Samee, Esq. ezraeh@gmail.com Defendant: Christopher Mooney, Esq. cmooney2@su.suffolk.edu Defendant: Prasanna V Rajasekaran, Esq. prasannavrajasekaran@gmail.com Defendant: Roberto Luigi Di Marco, Esq. rdimarco@fwd-law.com Defendant: Jennifer Martin Foster, Esq. jfoster@fwd-law.com Defendant: Jason E Sweet, Esq. jsweet@fwd-law.com Sent On: 09/09/2026 15:51:08		Image
09/09/2026	Event Scheduled Judge: Rubin, Hon. Diane R. Event: Case Management Conference Date: 09/23/2026 Time: 02:30 PM		
09/17/2026	Notice of Docket Entry: In preparation for the upcoming further case management conference scheduled for September 23, 2026, court has reviewed the docket and notes that a case management conference is premature at this time because Plaintiffs will be filing a second amended complaint naming Beach House and Charles Street Realty Trust as parties. Accordingly, and for the sake of clarity and efficiency, the court sets a deadline of October 9, 2026, for Plaintiff to file the second amended complaint. Accordingly, the further case management conference will not take place on September 23, 2026, and instead that conference is continued until December 14, 2026 at 2:30 P.M. so that the new parties may have an opportunity to attend. Further, in advance of the rescheduled case management conference, by December 7, 2026, parties to file a joint status report, advising whether mediation is of interest and, if not, proposing a briefing schedule on the anticipated motion(s) to dismiss. Judge: Rubin, Hon. Diane R. Plaintiff: Blake M Mensing, Esq. blake@cfsattorneys.com		Image

Docket Date	Docket Text	Amount Owed	Image Avail.
	Plaintiff: Quinn R Heath, Esq. quinn@cfsattorneys.com Defendant: Alicia Ann McNeil, Esq. amcneillaw@gmail.com Defendant: Zaheer Samee, Esq. ezraeh@gmail.com Defendant: Christopher Mooney, Esq. cmooney2@su.suffolk.edu Defendant: Prasanna V Rajasekaran, Esq. prasannavrajasekaran@gmail.com Defendant: Roberto Luigi Di Marco, Esq. rdimarco@fwd-law.com Defendant: Jennifer Martin Foster, Esq. jfoster@fwd-law.com Defendant: Jason E Sweet, Esq. jsweet@fwd-law.com Sent On: 09/17/2026 11:27:31		
09/17/2026	Event Resulted: Case Management Conference scheduled on: 09/23/2026 02:30 PM Has been: Rescheduled to December 14, 2026 at 2:30pm via zoom, per order of the court. Hon. Diane R. Rubin, Presiding		
09/17/2026	Event Scheduled Judge: Rubin, Hon. Diane R. Event: Case Management Conference Date: 12/14/2026 Time: 02:30 PM		
10/09/2026	Notice of Second Amended Complaint, filed.		Image
10/09/2026	Second Amended Complaint, filed.		Image
10/09/2026	Exhibit to Second Amended Complaint, filed.		Image
10/20/2026	Motion to Withdraw of Prasanna Rajasekaran, filed. (NOTE: This includes an Affidavit of Counsel in Support of Motion to Withdraw)		Image
10/21/2026	Notice of Docket Entry: Motion to Withdraw of Prasanna Rajasekaran ALLOWED. Judge: Rubin, Hon. Diane R. Plaintiff: Blake M Mensing, Esq. blake@cfsattorneys.com Plaintiff: Quinn R Heath, Esq. quinn@cfsattorneys.com Defendant: Alicia Ann McNeil, Esq. amcneillaw@gmail.com Defendant: Zaheer Samee, Esq. ezraeh@gmail.com Defendant: Christopher Mooney, Esq. cmooney2@su.suffolk.edu Defendant: Prasanna V Rajasekaran, Esq. prasannavrajasekaran@gmail.com Defendant: Roberto Luigi Di Marco, Esq. rdimarco@fwd-law.com Defendant: Jennifer Martin Foster, Esq. jfoster@fwd-law.com Defendant: Jason E Sweet, Esq. jsweet@fwd-law.com Sent On: 10/21/2026 13:12:34 Plaintiff: Blake M Mensing, Esq. blake@cfsattorneys.com Plaintiff: Quinn R Heath, Esq. quinn@cfsattorneys.com Defendant: Alicia Ann McNeil, Esq. amcneillaw@gmail.com Defendant: Zaheer Samee, Esq. ezraeh@gmail.com Defendant: Christopher Mooney, Esq. cmooney2@su.suffolk.edu Defendant: Prasanna V Rajasekaran, Esq. prasannavrajasekaran@gmail.com Defendant: Roberto Luigi Di Marco, Esq. rdimarco@fwd-law.com Defendant: Jennifer Martin Foster, Esq. jfoster@fwd-law.com Defendant: Jason E Sweet, Esq. jsweet@fwd-law.com Sent On: 10/21/2026 13:12:49		Image
10/28/2026	Defendant DMS Trinity, LLC and Roseanne J. Spinney, as Trustee of the Charles Street Realty Trust 2020's Motion to Dismiss the Second Amended Complaint, filed.		Image
10/28/2026	Memorandum of Law in Support of Defendants DMS Trinity, LLC and Roseanne J. Spinney, as Trustee of the Charles Street Realty Trust 2020's Motion to Dismiss the Second Amended Complaint, filed.		Image

Financial Summary

Cost Type	Amount Owed	Amount Paid	Amount Dismissed	Amount Outstanding
Cost	$255.00	$255.00	$0.00	$0.00
	$255.00	$255.00	$0.00	$0.00

Receipts

Receipt Number	Receipt Date	Received From	Payment Amount
471575	07/28/2026		$255.00
			$255.00

Case Disposition

Disposition	Date	Case Judge
Undisposed		Rubin, Hon. Diane R.