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Elizabeth Vaughan's Memorandum in Opposition to Vaughan Parents' Petition to the Supreme Judicial Court

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
CIVIL ACTION NO. 91-485

SAMUEL AND JOAN R. VAUGHAN,

Petitioners,

v.

ELIZABETH H. VAUGHAN,

Respondent.

MEMORANDUM OF ELIZABETH H. VAUGHAN IN OPPOSITION TO SAMUEL AND JOAN R. VAUGHAN'S "PETITION TO INVOKE THE GENERAL SUPERINTENDENCE OF THE COURT"

I. Introduction

The respondent Elizabeth H. Vaughan (hereinafter "Elizabeth") hereby opposes the petition of Samuel and Joan Revel Vaughan (hereinafter the "elder Vaughans") to invoke the general superintendence of the Court under G.L. c. 211, §3. The elder Vaughans' Petition should be dismissed on the following grounds: (1) the Single Justice of the Appeals Court properly exercised his discretion in denying the elder Vaughans' Petition for Relief under G.L. c. 231, §118; (2) the Petition seeks review of a discovery order which is interlocutory and not reviewable; (3) the elder Vaughans' rights were adequately protected in the

normal course of trial and appeal; and (4) the Petition fails to name the Probate and Family Court for Essex County as the nominal defendant.

II. Factual And Procedural Background

On November 5, 1990, plaintiff Allan P. Vaughan (hereinafter "Allan") initiated divorce proceedings against Elizabeth seeking, inter alia, a divorce on the ground of irretrievable breakdown, and an equitable division of property. Elizabeth answered and brought a counterclaim for divorce on the alternative grounds of cruel and abusive treatment and irretrievable breakdown. The counterclaim seeks support and an equitable division of marital assets.

This is a long-term marriage of twenty-one years, in which no children were born to the parties. (Allan P. Vaughan Deposition p. 4, Exhibit "B".) Allan is forty-two years old, and is presently employed as a General Manager of Eastern Packaging, Inc. in Lawrence, Massachusetts at an annual salary of $34,469.16. (Financial Statement of Allan P. Vaughan, Exhibit "C".) Elizabeth is forty-four years old, and is presently employed as a part-time Benefits Specialist at Atlantic Medical Center in Lynn, Massachusetts at an annual salary of $11,180. (Financial Statement of Elizabeth H. Vaughan, Exhibit "D".)

Significantly, the parties have received considerable financial support from Allan's family throughout their marriage. For the last fourteen years, Allan and Elizabeth have been living, at a nominal rent, in a home which is part of the Vaughan family compound in Prides Crossing, Massachusetts. (Deposition of Allan P. Vaughan pp.9-10, Exhibit "B".) Also, in 1980, for the consideration of $1.00, the elder Vaughans deeded Allan and Elizabeth a parcel of land in Mt. Desert, Maine, where Allan and Elizabeth built a vacation home that Allan continues to occupy nearly every weekend. (Id. at 13-14, Ex. "B".) In addition, Allan has received an annual gift of $10,000 from his maternal grandmother for the last five years. (Id. at 6-7, Ex. "B".)

The central focus of this proceeding is the extent of Allan's beneficial interests in his parents' respective estates and his prospects of receiving further gifts and inheritances. Accordingly, Elizabeth sought to discover information about the elder Vaughans' respective estates through interrogatories and a request for production of documents served on January 22, 1991. After Allan refused to disclose the information requested, Elizabeth sought the court's intervention on April 22,

1991, when she filed motions to compel both production of documents and further answers to interrogatories.

Although the court denied the motion to compel further answers to interrogatories on May 3, 1991, it suggested as an alternative that both of the parties disclose the nature and extent of their parents' respective estates, and enter into a stipulation regarding these matters which would be reported to the court. (LaBrecque Affidavit ¶ 3, Exhibit "E".) The court suggested that such a voluntary disclosure might obviate the need for further inquiry. (Id. at ¶ 4, Ex. "E".) Counsel for both parties agreed to pursue this with their clients. (Id. at ¶ 5, Ex. "E".) Elizabeth stood ready to provide such information regarding her father's estate. (Id. at ¶ 6, Ex. "E".)

On the same day, the issue of disclosure of the elder Vaughans' estates was raised before the same court in connection with a divorce action of Allan's brother that was also pending. (Nancy Vaughan v. Benjamin Vaughan, No. 89D-1482-D1.) Counsel for the elder Vaughans, Samuel Hoar, Esq., was present in court, and was made aware of the Court's suggestions. In correspondence to counsel dated June 5, 1991, Mr. Hoar agreed that he would advise the elder Vaughans to disclose the approximate net worth of their estate. (A copy of that letter is attached hereto as Exhibit

"F".) On July 11, 1991, however, Mr. Hoar rescinded his earlier agreement, proposing no satisfactory alternative. (A copy of the letter dated July 11, 1991 is attached hereto as Exhibit "G".) Consequently, Elizabeth had no alternative but to schedule the elder Vaughans' depositions.

The elder Vaughans moved for a protective order on September 26, 1991. Mindful of the elder Vaughans' asserted interests and the fact that "an exhaustive deposition and document request might be overkill" (Memorandum and Order, Exhibit "A."), the trial court suggested at the motion hearing a "practical alternative" to ordering extensive deposition/document production. The court's "practical alternative" called for the elder Vaughans to execute a sworn affidavit setting forth:

(1) "[T]heir approximate current total net worth";
(2) "[A] general description of their current estate plan and wills"; and
(3) "[A] statement of if and when said will/ estate plans were last significantly amended."

(Id., Ex. "A".) (emphasis original). Although Elizabeth was willing to work on fashioning such an alternative, the elder Vaughans "vigorously declined the above solution." (Id., Ex. "A".) As such, given Elizabeth's substantial need for the information in question, the court denied the elder Vaughans' motion

for a protective order in an opinion dated October 3, 1991.

On October 17, 1991, the elder Vaughans filed a Petition for interlocutory review of the trial court's discovery order under G. L. 231, §118. After a full hearing on the merits, the Single Justice of the Appeals Court denied the elder Vaughans' Petition for Relief on October 23, 1991.

The elder Vaughans now seek to invoke the Court's powers of general superintendence to review the Order of the Single Justice denying relief under G.L. c. 231, §118 from the interlocutory discovery order of the Probate and Family Court.

III. Argument

A. The Elder Vaughans' Petition Should Be Dismissed Because Their Rights Were Adequately Protected In Both The Trial Court And The Appeals Court.

Proper procedure for bringing a petition under G.L. c. 211, §3 requires that the lower court which adjudicated the underlying civil action be named as the nominal defendant. See Soja v. T. P. Sampson Co., 373 Mass. 630, 632 n.2 (1977). The purpose behind this requirement is to allow the Attorney General to represent the interests of the judicial defendant over which the Court's powers of general superintendence are sought to be invoked. Here, the elder Vaughans'

Petition fails to name either the Probate and Family Court for Essex County or the Single Justice of the Appeals Court as a nominal defendant, because the elder Vaughans had the opportunity for a full hearing on all issues in both courts. The Probate Court, for example, sought to minimize the impact of discovery upon the elder Vaughans by suggesting an alternative method of disclosure, i.e., through an affidavit instead of a depostion. (Memorandum and Order, Ex. "A.") Rather than avail themselves of this opportunity, however, the elder Vaughans "vigorously declined" to cooperate with the Probate Court in fashioning a more limited discovery order. (Id., Ex. "A.")

G.L. c. 211, §3 confers upon the Supreme Judicial Court the power of "general superintendence of all courts of inferior jurisdiction to correct and prevent errors and abuses therein if no other remedy is expressly provided[.]" This discretionary power of review is regarded as "extraordinary," Planned Parenthood League of Massachusetts, Inc. v. Operation Rescue, 406 Mass. 701, 706 (1990); Hahn v. Planning Board of Stoughton, 403 Mass. 332, 335 (1988), and will be exercised only in "the most exceptional circumstances." Costarelli v. Commonwealth, 374 Mass. 677, 679 (1978). See also Planned Parenthood League

of Massachusetts, Inc., 406 Mass. at 706; Soja v. T. P. Sampson Co., 373 Mass. 630, 632 (1977). The Court will exercise its powers under G.L. c. 211, §3 only when necessary "to prevent irreparable loss of significant rights when the normal course of trial and appeal will not provide adequate protection, or to resolve pressing, recurrent issues of proper administration of justice." Hatfield v. Commonwealth, 387 Mass. 252, 255 n.2 (1982). See also Planned Parenthood League of Massachusetts, Inc., 406 Mass. at 706; Dunbrack v. Commonwealth, 398 Mass. 502, 504 (1986); Parents of Two Minors v. Bristol Div. of the Juvenile Court Dep't, 397 Mass. 846, 849 (1986).

The elder Vaughans present no grounds for extraordinary intervention under G.L. c. 211, §3. The Petition here seeks to invoke the Court's powers of general superintendence to review an order of the Single Justice of the Appeals Court denying relief under G.L. c. 231, §118 from an interlocutory discovery order of the Probate and Family Court. The elder Vaughans boldly assert in their Petition that the Probate Court "never addressed whether the net worth of the parents was relevant to the property division, nor did it perform the required balancing of interests, pursuant to Mass.R.Civ.P. 26(c)." (Brief in Support of Petition, p. 13.) The elder Vaughans

argue that the Probate Court's Order is "contrary to the case law and statutory authority" and "constitutes an abuse of discretion." (Id.)

There was no error of law or abuse of discretion here. In the Probate Court's own words, "the court was mindful of the fact that an exhaustive deposition and document request might be overkill; but counsel for the parents left little alternative." (Memorandum and Order, Exhibit "A".) "At the motion hearing, the undersigned judge suggested a practical alternative ...." (Id., Ex. "A".) Unfortunately, "[w]hile counsel for the wife was willing to work on fashioning such an alternative, counsel for the parents vigorously declined ... leaving the court little option ...." (Id., Ex. "A".) Now, the elder Vaughans have the temerity to come before this Court to seek relief not only from the Orders of both the Probate Court and the Single Justice, but from the consequences of their own and their counsel's unreasonable intransigence as well.

Every argument now advanced by the elder Vaughans was open to them both in the Probate Court and before the Single Justice of the Appeals Court. Those courts carefully considered the issues before them and the parties' respective positions before rendering their decisions. To grant the elder Vaughans' Petition

under such circumstances "would hardly be consistent with the mandate of G. L. c. 211, §3 that [the Court] act 'to correct and prevent errors and abuses' in the administration of justice or with [the] well-established practice of affording relief under that section 'sparingly [and] 'only in the most exceptional circumstances.'" Commonwealth v. Yelle, 390 Mass. 678, 687 (1984) (quoting Commonwealth v. Dunigan, 384 Mass. 1, 5 (1984)). "The [elder Vaughans have] had [their] day in a court of superior and general jurisdiction within its sphere when there were properly before it the cause of action and all parties in interest, and [they have] had open to [them] the ample remedies for review of the decision of that court provided by statute." Barron v. Barronian, 275 Mass. 77, 80 (1931) (G.L. 211, §3 petition to vacate decree of probate court denied).

The elder Vaughans should not be permitted this third bite of the apple under G.L. c. 211, §3. Accordingly, the elder Vaughans' Petition should be dismissed.

B. The Elder Vaughans' Petition Should Be Dismissed Because It Seeks Review Of A Discovery Order Which Is Interlocutory And Therefore Not Reviewable.

The Massachusetts Courts have long recognized a "general policy disfavoring appeals from interlocutory

matters." CUNA Mutual Ins. Society v. Attorney General, 380 Mass. 539, 541 (1980); National Association of Government Employees, Inc. v. Central Broadcasting Corp., 379 Mass. 220, 222 n.2 (1979); Pollack v. Kelly, 379 Mass. 469, 470-471 (1977). The Courts have

> consistently rejected attempts to obtain piecemeal appellate review ... of interlocutory matters not reported by the judge making the interlocutory ruling, order, or decision, and ... have done so without regard to whether the review was sought on the stated basis of statutes (see G.L. c. 231, §§117, 118) relating to temporary appellate relief from interlocutory matters, on the basis of the new Massachusetts Rules of Appellate Procedure (see Mass.R.A.P. 6, 365 Mass. 848 [1974]), by way of a complaint requesting the exercise of [the Court's] power of superintendence under G.L. c. 211, §3, or by way of a complaint seeking the removal of an action from another court ... under [the Court's] power of removal under G.L. c. 211, §4A.

Pollack, 379 Mass. at 471 (quoting Kargman v. Superior Court, 371 Mass. 324, 329-330 (1976)). Indeed, the Supreme Judicial Court cautioned that "attempts to invoke our powers under G.L. c. 211, §3, for further appellate review of interlocutory matters in any but the most unusual circumstances may well be regarded as frivolous appeals and hence subject to [Mass.R.App.P. 25] authorizing awards of double costs in such cases." Cappadona v. Riverside 400 Function Room, Inc., 372 Mass. 167, 170 (1977).

The elder Vaughans' Petition seeks to invoke the Court's powers of general superintendence to review an Order of the Single Justice of the Appeals Court denying relief under G.L. c. 231, §118 from an interlocutory discovery Order of the Probate and Family Court. Pretrial discovery orders are by definition interlocutory, and are not a final resolution of any issue in dispute. As a general rule, therefore, such orders are not and should not be reviewable. See Cronin v. Strayer, 392 Mass. 525, 528 (1984); Beit v. Probate & Family Court Dep't, 385 Mass. 854, 858 (1982); Borman v. Borman, 378 Mass. 775, 781-782 (1979). See also Ott v. Preferred Truck Leasing, Inc., 9 Mass. App. Ct. 875, 876 (1980) (Petition seeking relief from trial court's discovery order denied by Single Justice of this Court "[t]o the extent that [it] seeks relief from this court under G.L. c. 211, §3). Accordingly, the elder Vaughans' Petition should be dismissed, with double costs.

C. The Elder Vaughans' Petition Should Be Dismissed Because The Single Justice Properly Exercised His Discretion In Denying The Elder Vaughans' Petition For Relief.

In passing upon an application for relief under G.L. c. 231, §118, a Single Justice of the Appeals Court enjoys broad discretion. See Packaging Industries Group, Inc. v. Cheney, 380 Mass. 609, 614

(1980); Rollins Environmental Services, Inc. v. Superior Court, 368 Mass. 174, 181 (1975). A Single Justice will generally decline to act on an application for relief under Section 118 in the absence of "[a] clear error of law or abuse of discretion" by the trial court. Jet-Line Services, Inc. v. Board of Selectmen of Stoughton, 25 Mass. App. Ct. 645, 646 (1988). In the present case, both the trial judge and the Single Justice properly exercised their discretion in light of the circumstances of the case and the guiding principles of law.

1. The Trial Court Did Not Abuse Its Discretion In Denying The Elder Vaughans' Motion For A Protective Order.

Rule 26 of the Massachusetts Rules of Domestic Relations Procedure reflects a policy that promotes broad discovery and open disclosure. See Reporter's Notes to Mass.R.Civ.P. 26 (identical to Mass.R.Dom.Rel.P. 26). The Rule provides, in pertinent part:

> Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party ....

The courts have long recognized that "[t]he need to develop all relevant facts in our adversary system is both fundamental and comprehensive." In the Matter

of Roche, 381 Mass. 624, 633 (1980) (quoting United States v. Nixon, 418 U.S. 683, 709 (1974)). As such, "exceptions to the demand for every man's evidence are not lightly created nor expansively construed, for they are in derogation of the search for truth." Id. at 634 n.12 (quoting Nixon, 418 U.S. at 710). See also Cronin v. Strayer, 392 Mass. 525, 532-533 (1984); In the Matter of Paul Pappas, 358 Mass. 604, 609 (1971), aff'd sub nom. Branzburg v. Hayes, 408 U.S. 665 (1972).

"The trial court is in the best position to weigh fairly the competing needs and interests of the parties affected by discovery." Cronin, 392 Mass. at 534 (quoting Seattle Times Co. v. Rhinehart, 467 U.S. 20, 36 (1984)). Where exceptions or restrictions to discovery are sought by a motion for a protective order, the court must weigh the necessity of such exceptions or restrictions against the competing need for the material requested. See Mass.R.Dom.Rel.P. 26(c). In reaching its determination, the court is not required to employ a formal balancing test, but rather is left to rely on its "sound judicial discretion and administration" to protect confidentiality interests. Cronin, 392 Mass. at 533-534 (quoting Pappas, 358 Mass. at 612). See also

George W. Prescott Publishing Co. v. Register of Probate for Norfolk County, 395 Mass. 274, 277 (1985).

Contrary to the elder Vaughans' unsupported assertion that the trial court here failed to "perform the required balancing of interests, pursuant to Mass. R. Civ. P. 26(c)" (Petition, ¶13), the court here carefully weighed the parties' competing interests in open disclosure and privacy, and validly exercised its discretion in denying the elder Vaughans' motion for a protective order. The information sought by Elizabeth is both highly relevant and necessary. It is undisputed that the elder Vaughans have played an important role in maintaining the parties' lifestyle. For the past fourteen years, they have permitted Allan and Elizabeth to live in a home that is part of the Vaughan family compound in Prides Crossing, Massachusetts at a nominal rent. (Allan P. Vaughan Deposition pp. 9-10, Exhibit "B".) In addition, the elder Vaughans' deeded to Allan and Elizabeth a parcel of land in Mt. Desert, Maine in 1980 for the consideration of $1.00, whereupon Allan and Elizabeth built a vacation home that Allan continues to occupy nearly every weekend. (Id. at 13-14, Ex. "B".) Given these facts, there is a substantial likelihood that Allan will continue to benefit from his parents'

generosity in maintaining that privileged lifestyle which he otherwise could not afford.

Mindful of the elder Vaughans' asserted interests and the fact that "an exhaustive deposition and document request might be overkill" (Memorandum and Order), however, the trial court suggested a well-reasoned, practical alternative to ordering extensive deposition/document production. The court's proposed alternative, intended as a compromise between the parties' competing interests, suggested that the elder Vaughans execute a sworn affidavit setting forth:

> (1) "[T]heir approximate current total net worth";
> (2) "[A] general description of their current estate plan and wills"; and
> (3) "[A] statement of if and when said will/ estate plans were last significantly amended" (Id., Ex. "A".) (emphasis original)

Although Elizabeth was willing to work on fashioning such an alternative, the elder Vaughans "vigorously declined the above solution." (Id., Ex. "A".) As such, given Elizabeth's substantial need for the information in question, the court was left with "little option but to allow [Elizabeth] to conduct discovery 'the hard way'." (Id., Ex. "A".) Since there was no abuse of the court's discretion, the elder Vaughans' Petition should be denied.

2. The Trial Court Applied Correct Legal Standards.

G.L. c. 208, §34 confers broad discretion on the trial court in awarding alimony and making equitable property divisions. Lauricella v. Lauricella, 409 Mass. 211, 213-214 (1991); Dalessio v. Dalessio, 409 Mass. 821, 825 (1991). "Such broad discretion is necessary in order that the courts can handle the myriad of [sic] different fact situations which surround divorces and arrive at a fair financial settlement in each case." Rice v. Rice, 372 Mass. 398, 401 (1977). See also Lauricella, 409 Mass. at 214.

The elder Vaughans' brief in support of their Petition for Relief misses the point. In determining an award of alimony or in fixing the nature and value of property to be assigned, G.L. c. 208, §34 requires that the trial court consider, inter alia, "the opportunity of each [party] for future acquisition of capital assets and income[.]" Contrary to the elder Vaughans' claim that this case "presents a novel issue" (Brief in Support of Petition, p.1), the Massachusetts Courts have consistently held that the determination of each party's "opportunity ... for future acquisition of capital assets and income" includes a consideration of expectancies such as

potential inheritances. Cherrington v. Cherrington, 404 Mass. 267, 272 (1989); Rice v. Rice, 372 Mass. 398, 402 (1977); Frederick v. Frederick, 29 Mass. App. Ct. 329, 334-335 (1990); Davidson v. Davidson, 19 Mass. App. Ct. 364, 374-375 (1985); Belsky v. Belsky, 9 Mass. App. Ct. 852, 853 (1980). Of course, "[if] the inheritance should fail to materialize ... the fact that it was manifestly an assumption of the judgment would permit reconsideration of alimony at a later time, based on the change in circumstances from those anticipated." Frederick, 29 Mass. App. Ct. at 334. See also Gordon v. Gordon, 26 Mass. App. Ct. 973, 975 (1988); Bak v. Bak, 24 Mass. App. Ct 608, 622 (1987).

The elder Vaughans assertion that "[t]he vested inheritance rights in Frederick and Davidson ... differ widely from the non-vested expectancy interests at hand" is mystifying. (Brief in Support of Petition, p. 6. (emphasis added).) In Frederick, the Appeals Court stated explicitly, "The judge also properly factored in [her award of alimony] the likelihood that the wife will later come into a substantial inheritance from her aunt ...." 29 Mass. App. Ct. at 334 (emphasis added). So too, in Davidson, the court noted that the husband's "expectancy [under the will of his then living mother]

might be considered by the judge ... under the §34 criterion of 'opportunity of each for future acquisition of capital assets and income' in determining what disposition to make of the property which is subject to division." 19 Mass. App. Ct. at 374 (emphasis added). The elder Vaughans obviously misread this case law, and misunderstand the language of the decisions.[1]

In the present case, the trial court was within its discretion in denying the elder Vaughans' motion for a protective order, thereby allowing Elizabeth to conduct discovery of the elder Vaughans' respective assets and Allan's potential inheritances. Elizabeth does not suggest that Allan's expectancy interests should be included in Allan's "estate" for purposes of assignment under M.G.L. c. 208, §34, but rather that both the existence and nature of any potential inheritance by Allan must be disclosed in order for the trial court to consider Allan's expectancy

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[1] In a particularly confusing paragraph, the elder Vaughans cite Frederick for the proposition that "Massachusetts courts include vested inheritance rights in property division determinations." (Brief in Support of Petition, p. 5 (emphasis added).) Yet their own parenthetical to Frederick states that "likelihood of substantial inheritance played role in alimony award." (Id. (emphasis added).) The elder Vaughans have obviously forgotten what every law student knows: "vested" property interests are "absolute," and are not based on likelihoods. See Black's Law Dictionary 1401 (5th ed. 1979).

interests as part of the his "opportunity ... for future acquisition of capital assets and income" under M.G.L. c. 208, §34.[2] Such disclosure is further necessitated by Elizabeth's substantial and prolonged reliance throughout the course of her marriage on her husband's expected inheritance. Indeed, in light of such reliance and the constant financial support of Allan's family, Elizabeth accepted part-time, low-paying employment as opposed to independently building a firm financial foundation for her future.

The court's order is consistent with the repeated position of the Massachusetts Courts that "[e]ach spouse in a divorce proceeding has the obligation to provide adequate financial data to the other spouse and to the court." Grubert v. Grubert, 20 Mass. App. Ct. 811, 822 (1985). See also Hillery v. Hillery, 342

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[2] Although the Courts have traditionally excluded potential inheritances from a party's "estate" for purposes of assignment under G.L. c. 208, §34, see, e.g., Cherrington, 404 Mass. at 272 (1989); Rice, 372 Mass. at 402 (1977); Frederick, 29 Mass. App. Ct. at 334-335 (1990); Davidson, 19 Mass. App. Ct. at 374-375 (1985), the Appeals Court left open the possibility in Davidson that such expectancies may be included in a party's estate under "extraordinary circumstances." 19 Mass. App. Ct at 474. While the court left the term undefined, it is more than arguable that Elizabeth's substantial and prolonged reliance throughout the course of her marriage on her husband's expected inheritance constitutes such an "extraordinary circumstance[]," warranting its inclusion in the plaintiff's estate. Such inclusion would, of course, necessitate discovery of the plaintiff's familial assets in order to evaluate his estate.

Mass. 371, 375 (1961) ("trial of a case not to be converted into a game of hide and seek"). Accordingly, since the trial court applied proper legal standards in denying the elder Vaughans' motion for protective order, the elder Vaughans' Petition should be dismissed.

IV. CONCLUSION

For the foregoing reasons, the defendant Elizabeth H. Vaughan respectfully requests that Samuel and Joan R. Vaughan's "Petition To Invoke The General Superintendence Of The Court" be dismissed, with double costs.

Respectfully Submitted,
Elizabeth H. Vaughan
By her attorneys,

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Dated: November 19, 1991

CERTIFICATE OF SERVICE

I, Clarke E. Khoury, do hereby certify that on November 19, 1991 a true and accurate copy of the foregoing Memorandum Of Elizabeth H. Vaughan In Opposition To Samuel and Joan R. Vaughan's "Petition To Invoke The General Superintendence Of The Court" was sent by hand delivery to all counsel of record.

Clarke E. Khoury