



The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

Instructions for filing a complaint:

- o Fill out the attached two-page form completely. Sign and date the second page. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
 - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
 - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
 - o Complaints may be filed by mail, by email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address the allegations in the complaint. At the same time, the body must send the Attorney General a copy of the complaint and a copy of the response. The public body may delegate this responsibility to an individual member of the public body, its counsel, or a staff member, but only after the public body has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

Once the public body has responded to the complaint:

- o If you are not satisfied with the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, by email, or by hand, but only once you have waited for 30 days after filing the complaint with the public body. Mail may be sent to: The Division of Open Government, Office of the Attorney General, One Ashburton Place - 20th Floor, Boston, MA 02108. Emails may be sent to: openmeeting@state.ma.us.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by email at openmeeting@state.ma.us.



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: _____ Last Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Ext. _____

Email: _____

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/
town, county or region, if applicable): _____

Specific person(s), if any, you allege
committed the violation: _____

Date of alleged violation: _____

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: _____

Date: _____

*For Use By Public Body
Date Received by Public Body:*

*For Use By AGO
Date Received by AGO:*

Subject: RE: Open Meeting Records Request per M.G.L. c. 30A, § 22 and M.G.L. c. 66 §§ 10 -10A
Date: Thursday, February 5, 2026 at 1:23:48 PM Eastern Standard Time
From: Carol Ann Desiderio <cdesiderio@CITYOFMALDEN.ORG>
To: Commonwealth Transparency <info@opencommonwealth.org>
CC: Amanda Linehan <alinehan@CITYOFMALDEN.ORG>, Alicia McNeil <amcneil@CITYOFMALDEN.ORG>

Good day,

Please accept this email as response to your request for executive session minutes from September 30, 2025.

During the meeting of February 3, 2026, the Council unanimously voted to enter into Executive Session with legal counsel for the City, in accordance with Exemption Seven Massachusetts General Laws Chapter 30A Section 21(a)(7), to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements, in order to act on the periodic review of those Executive Session minutes listed herein; Council vote is required prior to release of the Executive Session minutes of the following dates:

January 20, 2026, Paper 39-26

A motion was made by Councillor O'Malley, seconded by Councillor Crowe, to release the January 20, 2026 minutes as redacted, due to the determination that unredacted minutes would defeat the lawful purpose of M.G.L. c. 30A, s. 22(f), upon the court's acceptance of the settlement agreement between Tufts Construction and City of Malden. The motion passed by a unanimous roll call vote.

The City anticipates the date of the court's acceptance to be on or about February 19. The released minutes will be available at the following link: <https://cityofmalden.legistar.com/Legislation.aspx> using the legislation tab to search for Paper 39-26.

Thank you,
Carol Ann

From: Carol Ann Desiderio <cdesiderio@CITYOFMALDEN.ORG>
Sent: Tuesday, January 27, 2026 2:26 PM
To: Commonwealth Transparency <info@opencommonwealth.org>
Cc: Amanda Linehan <alinehan@CITYOFMALDEN.ORG>; Alicia McNeil <amcneil@CITYOFMALDEN.ORG>
Subject: RE: Open Meeting Records Request per M.G.L. c. 30A, § 22 and M.G.L. c. 66 §§ 10 -10A

Good afternoon,

Please accept this email as acknowledgement and response to your request for minutes from the regular and executive session of the City Council on the evening of January 20, 2026.

The video recording of the open session may be found at [Agenda Center • Malden, MA • CivicEngage](#). The meeting minutes are attached to this email for your review. These minutes have not yet been posted to the website as they are still in draft form. I anticipate the Council approving these at this evening's meeting. After approval, the final minutes will also be posted in Agenda Center. There are no other materials, documents, or exhibits used in this session.

Executive Session minutes from January 20 are regarding the Tufts Construction, Inc lawsuit. Despite both sides of the case having agreed provisionally to a settlement, this case has not yet been completely resolved and closed with the court, therefore the ES minutes have not been released for public review.

Under the provisions of MGL c. 30A s. 22(g)(2) the Council will have to meet to perform a review of these records to fulfill your request. I am currently in the process of scheduling such a meeting.

Thank you,
Carol Ann

From: Commonwealth Transparency <info@opencommonwealth.org>
Sent: Tuesday, January 20, 2026 8:30 PM
To: Amanda Linehan <alinehan@CITYOFMALDEN.ORG>; Carol Ann Desiderio <cdesiderio@CITYOFMALDEN.ORG>
Subject: Open Meeting Records Request per M.G.L. c. 30A, § 22 and M.G.L. c. 66 §§ 10 -10A
Importance: High

Greetings:

Under the Massachusetts Open Meeting Law (M.G.L. c. 30A, § 22), and under the Massachusetts Public Records Law (M.G.L. c. 66 §§ 10 -10A) OpenCommonwealth.org is hereby formally requesting ANY teams/zoom or other audio and visual recordings of the meeting(s) and the draft and final minutes of the meeting(s), any notes, recordings or other materials used

in the preparation of such minutes and all documents and exhibits used at the sessions, for the following meetings and dates:

Date	Public Body/Meeting	Meeting Minutes Requested
January 20, 2026	City of Malden City Council Emergency Meeting	Regular and Executive Sessions

For committee and executive sessions; All meeting notices, video of, transcripts from, and meeting minutes from the meetings themselves and all documents and other exhibits, photographs, recordings or maps, and votes taken by and/or used by the body any other part of the official record of the session(s). For any redactions, please cite the specific ongoing reason for continued redactions. For unsigned minutes, please state the reason for the minutes being unsigned and unattested to.

OpenCommonwealth reminds the Committee that under M.G.L. c. 30A, § 22 the public body must provide a response within 10 calendar days.

OpenCommonwealth reminds the committee of the attached determinations of the Division of Open Government and the Supervisor of Public Records regarding redactions and is specifically seeking the responsive records which comply with these determinations.

This request seeks all documents regardless of form, whether draft or approved/final, as specifically seeks all draft, and approved minutes.

Please provide all of the documents electronically, directly to the following email address: info@opencommonwealth.org

This request and all responsive documents are for express purposes of gathering information to promote citizen oversight and further the public understanding of the operation and activities of the City of Malden.

Kindest Regards,

OpenCommonwealth.org

OpenCommonwealth.org is a free and open public media organization. We serve the greater Massachusetts community with the goal to provide and empower citizen oversight of governmental operations and activities, help citizens understand how, why and where taxpayer dollars are expended, and to investigate, gather and report the facts in the online publications found on the webpages and social media accounts of OpenCommonwealth.org. OpenCommonwealth.org is a free service, is staffed only by volunteers, and all costs and expenses are borne by its creators. No person has ever paid OpenCommonwealth.org any monies, or any in-kind contributions for its reporting, or access to any of its files. It is the structural intent of OpenCommonwealth.org to maintain and persist as an absolutely free service to the entire public. Since its inception, OpenCommonwealth.org has been viewed by over 130,000 visitors between the website and social media, and has had over 20,000 external visitors view and/or download records from our free and publicly available records repository. Currently OpenCommonwealth.org has over a 1.5 Terabytes of publicly available content published. This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you. Circular 230 Disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code, or (ii) promoting, marketing or recommending to another party any matters addressed herein.

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COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

SUPERIOR COURT
Civil No. 2181CV01248

PETER TUFTS and TUFTS CONSTRUCTION, INC.

v.

CITY OF MALDEN and YEM LIP

ORDER FOR ENTRY OF DISMISSAL NISI

The above-captioned action came before the Court for the first day of trial and was thereupon reported to be resolved, counsel of record informing the Assistant Clerk that the parties had agreed upon all material terms of a binding settlement. Accordingly, the parties are directed to file an Agreement for Judgment or Stipulation of Dismissal in the Clerk's Office no later than February 19, 2026.

If no Agreement for Judgment or Stipulation of Dismissal is filed by said date, the Clerk is hereby directed to prepare, sign and enter a Judgment dismissing the action, and all claims thereof and related thereto, without prejudice and without statutory costs.

The Court may, in its discretion, enlarge the nisi period. Barring unusual circumstances beyond the control of the parties, however, this case will not be returned to the active trial list. Failing the timely filing of an Agreement for Judgment or Stipulation of Dismissal, the parties are free to enforce their settlement agreement either in this Court by way of motion during the *nisi* period, or in a separately filed action for breach of contract.

SO ORDERED.

Dated: January 20, 2026



Michael J. Pineault
Associate Justice of the Superior Court

Volume I of I
Pages: 1-7
Exhibits: None

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SUPERIOR COURT DEPARTMENT

PETER TUFTS, ET. AL.

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DOCKET NO.
2181CV01248

v.

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CITY OF MALDEN, ET. AL.

SETTLEMENT HEARING

BEFORE THE HONORABLE MICHAEL J. PINEAULT

APPEARANCES:

For the Plaintiffs, Peter Tufts & Tufts Construction, Inc.:

Law Office of Stephen J. Kuzma
210 Union Wharf
Boston, MA 02109
By: Stephen J. Kuzma, Esq.

Law offices of Russo & Minchoff
210 Union Wharf
Boston, MA 02109
By: India Lanni Minchoff, Esq.

For Defendant, City of Malden:

For City of Malden & Yem Lip:

KP Law, P.C.
101 Arch Street
Boston, MA 02110
By: Jeffrey T. Blake, Esq.

Zaheer Samee, Esq.
210 Pleasant Street, Ste 4200
Malden, MA 02148

Tuesday, January 20, 2026
Courtroom 520
Woburn, MA

SUSAN M. LOBIE, CET
OFFICE SOLUTIONS PLUS
15 Marion Road, Salem, MA 01970
(617) 471-3510
SueLobie@osptranscriptionservices.com

I N D E X

	<u>PAGE</u>
SETTLEMENT HEARING	3

P R O C E E D I N G S

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2
3 (Court in session at 9:26 a.m.)
4

5 THE CLERK: We're on the record, and for the
6 record, this case called for trial, Middlesex Superior
7 Court Civil Action Number 2021-1248, Peter Tufts, Tufts
8 Construction, Incorporated, Plaintiff v. the City of
9 Malden and Yem Lip, Defendants.

10 Counsel, would you identify yourselves for the
11 Court and the record, please?

12 MR. KUZMA: Good morning, Your Honor.

13 Stephen Kuzma for Tufts Construction, Incorporated.

14 MS. MINCHOFF: Good morning, Judge.

15 India Minchhoff, also on behalf of plaintiffs.

16 MR. SAMEE: Good morning, Your Honor.

17 Zaheer Samee for the defendants.

18 MR. BLAKE: Good morning, Your Honor.

19 Jeff Blake for the defendants.

20 THE COURT: Okay. Good morning, everyone.
21

22 SETTLEMENT HEARING
23

24 THE COURT: So, we were here to impanel. I'm told
25 you've all reached a resolution, am I right?

1 MR. KUZMA: We have, Your Honor.

2 MS. MINCHOFF: Yes.

3 THE COURT: Okay. So, what we're going to do is,
4 I will issue a NISI order. How much time do you need
5 to document whatever you need to document and get a
6 Stipulation of Dismissal or an Agreement for Judgment
7 on the file?

8 MS. MINCHOFF: Thirty days.

9 THE COURT: Thirty days? Okay. That takes us
10 to February 19th. So, what I'll do is, I use a pretty
11 standard order, I think it -- well, let me ask counsel.

12 Have both sides -- well, all sides, I guess,
13 reached agreement on all of the material terms of a
14 settlement?

15 MR. KUZMA: We have, Your Honor, and pursuant
16 to emails that were agreed to yesterday, as well as
17 an email this morning, we have.

18 THE COURT: Okay. So, you have emails to document
19 the agreement on the material terms.

20 Counsel for the defendants agree?

21 MR. BLAKE: I believe that's correct, Your Honor.

22 THE COURT: Okay. And this will resolve all
23 claims, all parties, case will be done, yes?

24 MS. MINCHOFF: Yes.

25 MR. KUZMA: That's the intent.

1 THE COURT: Well, we're past intent. I'm looking
2 for confirmation --

3 MR. KUZMA: Yes.

4 THE COURT: -- that you've reached agreement, yes?

5 MR. KUZMA: Yes.

6 THE COURT: Okay. All right. So, my order will
7 specify that if we don't reach -- if we don't receive
8 an Agreement for Judgment or a Stipulation of Dismissal
9 by February 19th, the Clerk is going to go ahead and
10 enter judgment dismissing the case, unless you've
11 requested an extension and I've granted it, okay,
12 just so you know.

13 And barring incredibly unusual circumstances
14 beyond your control, which is a high bar to clear,
15 we're not going to be returning this case to the
16 active trial list. So, I'm treating this matter as
17 settled, a NISI order will issue.

18 I appreciate your efforts over the weekend.
19 I think this was a case that could and should be
20 settled, so I'm glad that you've achieved that.
21 Thank you.

22 Anything else to take up while you're all here?

23 MS. MINCHOFF: No, Judge.

24 THE COURT: No?

25 MR. KUZMA: No, thank you, Your Honor.

1 MS. MINCHOFF: Thank you.

2 THE COURT: Okay. All right, thank you, counsel.

3 MR. BLAKE: Thank you, Judge.

4 (Hearing Concluded at 2:36 p.m.)

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C E R T I F I C A T E

I, Susan M. Lobie, Certified Electronic Transcriptionist and Notary Public for the Commonwealth of Massachusetts, and a Court Approved Transcriptionist for Office Solutions Plus do hereby certify that the foregoing is a true and accurate transcript prepared to the best of my ability, from audio recordings of a Sentencing Hearing held on Tuesday, February 11, 2020, in the matter of in the matter of Peter Tufts, et. al. v. City of Malden, et. al., Docket No. 2181CV01248, before the Honorable Michael J. Pineault.

I, Susan M. Lobie, further certify that the foregoing is in compliance with the Administrative Office of the Trial Court Directive on Transcript Format.

I, Susan M. Lobie, further certify that I neither am counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken, and further that I am not financially nor otherwise interested in the outcome of the action.

Proceedings recorded by electronic sound recording equipment. Transcript produced from computer.



DATE: January 29, 2026

Susan M. Lobie, President
Office Solutions Plus
15 Marion Road
Salem, MA 01970
(617) 471-3510
SueLobie@osptranscriptionservices.com

Notary Public, Commonwealth of Massachusetts
My Commission Expires March 3, 2028



The Commonwealth of Massachusetts
OFFICE OF COURT MANAGEMENT, Transcription Services

AUDIO ASSESSMENT FORM

For court transcribers: Complete this assessment form for each volume of transcript produced, and include it at the back of very original and copy transcript with the certificate page, word index, and CD PDF transcript.

TODAY'S DATE: 12/8/2025 TRANSCRIBER NAME: Susan M. Lobie

CASE NAME: Peter Tufts v. City of Malden DOCKET NO: 2181CV01248

RECORDING DATE 7/30/2025 TRANSCRIPT INTERVIEW: 2 OF 6

(circle one) TYPE: (CD) TAPE QUALITY: EXCELLENT (GOOD) FAIR POOR

(circle all that apply) ISSUES (include time stamp):

background noise time stamp: _____

low audio _____

low audio at sidebar _____

simultaneous speech _____

speaking away from microphone _____

other: _____ time stamp: _____

COMMENTS: For the most part, the audio for this transcript was fine for the Court and the witness, but when counsel was speaking, she must not have been near a working microphone because she was always difficult to hear, so hopefully, everything was properly transcribed.

PETER FUTS, ET. AL. V. CITY OF MALDEN, ET. AL.
DOCKET NO. 2181CV01248
SETTLEMENT HEARING - 1/20/2026

<p style="text-align: center;">1</p> <hr/> <p>19th [2] 4:10 5:9</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2:36 [1] 6:4 2021-1248 [1] 3:5</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>9:26 [1] 3:2</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p>a.m [1] 3:2 achieved [1] 5:20 action [1] 3:5 active [1] 5:16 agree [1] 4:20 agreed [1] 4:16 agreement [5] 4:6,13,19 5:4,8 ahead [1] 5:9 appreciate [1] 5:18</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>bar [1] 5:14 barring [1] 5:13 behalf [1] 3:13 believe [1] 4:21 beyond [1] 5:14 blake [4] 3:16,17 4:21 6:3 both [1] 4:12</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>called [1] 3:4 case [5] 3:4 4:23 5:10,15, 19 circumstances [1] 5:13 city [1] 3:6 civil [1] 3:5 claims [1] 4:23 clear [1] 5:14 clerk [2] 3:3 5:9 concluded [1] 6:4 confirmation [1] 5:2 construction [2] 3:6,11 control [1] 5:14</p>	<p>correct [1] 4:21 counsel [4] 3:8 4:11,20 6: 2 court [14] 3:2,5,9,18,20 4:3, 9,18,22 5:1,4,6,24 6:2</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>days [2] 4:8,9 defendants [4] 3:7,15,17 4:20 dismissal [2] 4:6 5:8 dismissing [1] 5:10 document [3] 4:5,5,18 done [1] 4:23</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>efforts [1] 5:18 email [1] 4:17 emails [2] 4:16,18 enter [1] 5:10 everyone [1] 3:18 extension [1] 5:11</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>february [2] 4:10 5:9 file [1] 4:7</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>glad [1] 5:20 granted [1] 5:11 guess [1] 4:12</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>hearing [2] 3:19 6:4 high [1] 5:14 honor [7] 3:10,14,16 4:1, 15,21 5:25</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>identify [1] 3:8 impanel [1] 3:20 incorporated [2] 3:6,11 incredibly [1] 5:13 india [1] 3:13 intent [2] 4:25 5:1 issue [2] 4:4 5:17</p>	<p style="text-align: center;">J</p> <hr/> <p>jeff [1] 3:17 judge [3] 3:12 5:23 6:3 judgment [3] 4:6 5:8,10</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>kuzma [8] 3:10,11 4:1,15, 25 5:3,5,25</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>lip [1] 3:7 list [1] 5:16 looking [1] 5:1</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>malden [1] 3:7 material [2] 4:13,19 matter [1] 5:16 middlesex [1] 3:4 minchoff [7] 3:12,13 4:2,8, 24 5:23 6:1 morning [6] 3:10,12,14,16, 18 4:17 ms [6] 3:12 4:2,8,24 5:23 6: 1 much [1] 4:4</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>need [2] 4:4,5 nisi [2] 4:4 5:17 number [1] 3:5</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>okay [8] 3:18 4:3,9,18,22 5: 6,11 6:2 order [4] 4:4,11 5:6,17 over [1] 5:18</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>p.m [1] 6:4 parties [1] 4:23 past [1] 5:1 peter [1] 3:5 plaintiff [1] 3:6 plaintiffs [1] 3:13 please [1] 3:9</p>	<p>pretty [1] 4:10 pursuant [1] 4:15</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>reach [1] 5:7 reached [3] 3:21 4:13 5:4 receive [1] 5:7 record [3] 3:3,4,9 requested [1] 5:11 resolution [1] 3:21 resolve [1] 4:22 returning [1] 5:15</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>samee [2] 3:14,15 session [1] 3:2 settled [2] 5:17,20 settlement [2] 3:19 4:14 sides [2] 4:12,12 specify [1] 5:7 standard [1] 4:11 stephen [1] 3:11 stipulation [2] 4:6 5:8 superior [1] 3:4</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>terms [2] 4:13,19 thirty [2] 4:8,9 treating [1] 5:16 trial [2] 3:4 5:16 tufts [3] 3:5,5,11</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>unless [1] 5:10 unusual [1] 5:13 up [1] 5:22</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>weekend [1] 5:18 whatever [1] 4:5 will [5] 4:4,22,23 5:6,17</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>yem [1] 3:7 yesterday [1] 4:16 yourselves [1] 3:8</p>
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PETER FUTS, ET. AL. V. CITY OF MALDEN, ET. AL.

DOCKET NO. 2181CV01248

SETTLEMENT HEARING - 1/20/2026

Z

zaheer [1] 3:15

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Sheet 2