

Spindel v. Gorton's Inc. (1:22-cv-10599)

District Court, D. Massachusetts

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Last Updated: March 25, 2025, 8:37 a.m.

Assigned To: **Patli B. Saris**

Citation: **Spindel v. Gorton's Inc.**, 1:22-cv-10599, (D. Mass.)

Date Filed: April 21, 2022

Date Terminated: Sept. 14, 2022

Date of Last Known Filing: Oct. 26, 2022

Cause: 28:1352 Diversity-Fraud

Nature of Suit: 370 Other Fraud

Jury Demand: **Both**

Jurisdiction Type: Diversity

DOCKET ENTRIES **PARTIES AND ATTORNEYS** **AUTHORITIES**

Search this docket 🔍 **Filed** MM/DD/YYYY to MM/DD/YYYY **Documents** to **Asc.** **Desc.** **Prev.** **Next** ▶

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Document Number	Date Filed	Description	Export CSV
1	Apr 21, 2022	COMPLAINT against Gorton's Inc. Filing fee: \$ 402, receipt number AMADC-9294281 (Fee Status: Filing Fee paid), filed by Kevin McCarthy, Jeffrey Alan Spindel. (Attachments: # 1 Civil Cover Sheet Civil Cover Sheet, # 2 Category Form)(Pontikes, Rebecca) (Entered: 04/21/2022) Main Document Complaint Download PDF ▾ Attachment 1 Civil Cover Sheet Civil Cover Sheet Download PDF ▾ Attachment 2 Category Form Download PDF ▾	
2	Apr 21, 2022	ELECTRONIC NOTICE of Case Assignment. Judge Patli B. Saris assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Judith G. Dein. (Firm, Mary) (Entered: 04/21/2022) Main Document Buy on PACER 0 📄	
3	Apr 21, 2022	Summons issued as to Gorton's Inc., Counsel receiving this notice electronically should download this summons, complete one for each defendant and serve it in accordance with Fed.R.Cv.P 4 and LR 4.1. Summons will be mailed to plaintiff(s) not receiving notice electronically for completion of service. (Pachon, Arnold) (Entered: 04/21/2022) Main Document Summons Issued Buy on PACER 0 📄	
	Apr 21, 2022	Notice of Case Assignment	
4	May 5, 2022	NOTICE of Appearance by Mara Theophila on behalf of Gorton's Inc. (Theophila, Mara) (Entered: 05/05/2022) Main Document Notice of Appearance Buy on PACER 0 📄	
5	May 5, 2022	Assented to MOTION for Extension of Time to June 22, 2022 to Answer Complaint or Move to Dismiss by Gorton's Inc. (Theophila, Mara) (Entered: 05/05/2022) Main Document Extension of Time Buy on PACER 0 📄	
6	May 6, 2022	SUMMONS Returned Executed Gorton's Inc. served on 5/2/2022, answer due 5/23/2022. (Sfetsios, Bryn) (Entered: 05/06/2022) Main Document Summons Returned Executed Buy on PACER 0 📄	
7	May 6, 2022	Judge Patli B. Saris: ELECTRONIC ORDER entered ALLOWED re 5 Assented to MOTION for Extension of Time to Answer Complaint or Move to Dismiss. Gorton's Inc. Response due by 6/22/2022. (Geraldino-Karasek, Clarilde) (Entered: 05/06/2022) Main Document Buy on PACER 0 📄	
	May 6, 2022	Order on Motion for Extension of Time	
8	May 11, 2022	Assented to MOTION for Leave to Appear Pro Hac Vice for admission of William P. Donovan, Jr. Filing fee: \$ 100, receipt number AMADC-9316520 by Gorton's Inc.. (Attachments: # 1 Exhibit A (Affidavit of William P. Donovan, Jr.) (Theophila, Mara) (Entered: 05/11/2022) Main Document Appear Pro Hac Vice Buy on PACER 0 📄 Attachment 1 Exhibit A (Affidavit of William P. Donovan, Jr.) Buy on PACER (\$0.30) 0 📄	
9	May 11, 2022	Assented to MOTION for Leave to Appear Pro Hac Vice for admission of Caroline Incledon Filing fee: \$ 100, receipt number AMADC-9316520 by Gorton's Inc.. (Attachments: # 1 Exhibit A (Affidavit of Caroline Incledon)(Theophila, Mara) (Entered: 05/11/2022) Main Document Appear Pro Hac Vice Buy on PACER 0 📄 Attachment 1 Exhibit A (Affidavit of Caroline Incledon) Buy on PACER (\$0.30) 0 📄	
10	May 18, 2022	Judge Patli B. Saris: ELECTRONIC ORDER entered granting 8 Motion for Leave to Appear Pro Hac Vice Added William P. Donovan, Jr. Attorneys admitted Pro Hac Vice must have an individual PACER account, not a shared firm account, to electronically file in the District of Massachusetts. To register for a PACER account, go the Pacer website at https://pacer.uscourts.gov/register-account Pro Hac Vice Admission Request Instructions https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm A Notice of Appearance must be entered on the docket by the newly admitted attorney. (Geraldino-Karasek, Clarilde) (Entered: 05/18/2022) Main Document Buy on PACER 0 📄	
11	May 18, 2022	Judge Patli B. Saris: ELECTRONIC ORDER entered granting 9 Motion for Leave to Appear Pro Hac Vice Added Caroline Incledon. Attorneys admitted Pro Hac Vice must have an individual PACER account, not a shared firm account, to electronically file in the District of Massachusetts. To register for a PACER account, go the Pacer website at https://pacer.uscourts.gov/register-account Pro Hac Vice Admission Request Instructions https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm A Notice of Appearance must be entered on the docket by the newly admitted attorney. (Geraldino-Karasek, Clarilde) (Entered: 05/18/2022) Main Document Buy on PACER 0 📄	
12	May 18, 2022	AFFIDAVIT OF SERVICE Executed by Jeffrey Alan Spindel, Kevin McCarthy. (Pontikes, Rebecca) (Entered: 05/18/2022) Main Document Affidavit of Service Buy on PACER 0 📄	
	May 18, 2022	Order on Motion for Leave to Appear	
13	Jun 22, 2022	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by Gorton's Inc. (Theophila, Mara) (Entered: 06/22/2022) Main Document Dismiss for Failure to State a Claim Buy on PACER 0 📄	
14	Jun 22, 2022	MEMORANDUM in Support re 13 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Gorton's Inc.. (Attachments: # 1 Affidavit of Mara Theophila, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6)(Theophila, Mara) (Entered: 06/22/2022) Main Document Memorandum in Support of Motion Download PDF ▾ Attachment 1 Affidavit of Mara Theophila Download PDF ▾ Attachment 2 Exhibit 1 Download PDF ▾ Attachment 3 Exhibit 2 Download PDF ▾ Attachment 4 Exhibit 3 Download PDF ▾ Attachment 5 Exhibit 4 Download PDF ▾ Attachment 6 Exhibit 5 Download PDF ▾ Attachment 7 Exhibit 6 Download PDF ▾	
15	Jun 23, 2022	ELECTRONIC NOTICE SETTING HEARING ON 13 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM: MOTION HEARING SET FOR 8/11/2022 03:00 PM BY VIDEO before Judge Patli B. Saris. This hearing will be conducted by video conference. Counsel of record will receive a video conference invite at the email registered in CM/ECF. If you have technical or compatibility issues with the technology, please notify the session's courtroom deputy as soon as possible. Access to the hearing will be made available to the media and public. In order to gain access to the hearing, you must sign up at the following address: https://forms.mad.uscourts.gov/courtlist.html . For questions regarding access to hearings, you may refer to the Court's general orders and public notices available on www.mad.uscourts.gov or contact media@mad.uscourts.gov . (Geraldino-Karasek, Clarilde) (Entered: 06/23/2022) Main Document Buy on PACER 0 📄	
16	Jun 23, 2022	NOTICE OF SCHEDULING CONFERENCE BY VIDEO: SCHEDULING CONFERENCE SET FOR 8/11/2022 03:30 PM BY VIDEO before Judge Patli B. Saris. This hearing will be conducted by video conference. Counsel of record will receive a video conference invite at the email registered in CM/ECF. If you have technical or compatibility issues with the technology, please notify the session's courtroom deputy as soon as possible. Access to the hearing will be made available to the media and public. In order to gain access to the hearing, you must sign up at the following address: https://forms.mad.uscourts.gov/courtlist.html . For questions regarding access to hearings, you may refer to the Court's general orders and public notices available on www.mad.uscourts.gov or contact media@mad.uscourts.gov . (Geraldino-Karasek, Clarilde) (Entered: 06/23/2022) Main Document Notice of Hearing Buy on PACER 0 📄	
	Jun 23, 2022	Notice Setting or Resetting Hearing on Motion	
17	Jul 1, 2022	MOTION for Leave to File [Proposed Amici Curiae Partially Consented-To Motion for Leave to File Amicus Brief] by Global Seafood Alliance, New England Aquarium. (Attachments: # 1 Proposed Brief of Amici Curiae Iso Motion to Dismiss)(Rosen, Mark) (Entered: 07/01/2022) Main Document Leave to File Document Buy on PACER 0 📄	

		Attachment 1	Proposed Brief of Amici Curiae iao Motion to Dismiss	Download PDF	
18	Jul 1, 2022		CORPORATE DISCLOSURE STATEMENT by Global Seafood Alliance. (Rosen, Mark) (Entered: 07/01/2022)		<
		Main Document	Corporate Disclosure Statement	Download PDF	
19	Jul 6, 2022		Opposition re 13 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Kevin McCarthy, Jeffrey Alan Spindel. (Slatoski, Bryn) (Entered: 07/06/2022)		<
		Main Document	Opposition to Motion	Buy on PACER	0
20	Jul 7, 2022		MOTION for Leave to Appear Pro Hac Vice for admission of Brooke DeKolf Filing fee: \$ 100, receipt number AMADC-9400349 by Kevin McCarthy, Jeffrey Alan Spindel. (Attachments: # 1 Affidavit)(Pontikes, Rebecca) (Entered: 07/07/2022)		<
		Main Document	Appear Pro Hac Vice	Buy on PACER	0
		Attachment 1	Affidavit	Buy on PACER (\$0.30)	0
21	Jul 7, 2022		MOTION for Leave to Appear Pro Hac Vice for admission of Dije Ndreu Filing fee: \$ 100, receipt number AMADC-9400362 by Kevin McCarthy, Jeffrey Alan Spindel. (Attachments: # 1 Affidavit)(Pontikes, Rebecca) (Entered: 07/07/2022)		<
		Main Document	Appear Pro Hac Vice	Buy on PACER	0
		Attachment 1	Affidavit	Buy on PACER (\$0.30)	0
22	Jul 7, 2022		MOTION for Leave to Appear Pro Hac Vice for admission of Petra Renee Wicklund Filing fee: \$ 100, receipt number AMADC-9400373 by Kevin McCarthy, Jeffrey Alan Spindel. (Attachments: # 1 Affidavit)(Pontikes, Rebecca) (Entered: 07/07/2022)		<
		Main Document	Appear Pro Hac Vice	Buy on PACER	0
		Attachment 1	Affidavit	Buy on PACER (\$0.30)	0
23	Jul 7, 2022		Judge Patti B. Saris: ELECTRONIC ORDER entered granting 20 Motion for Leave to Appear Pro Hac Vice Added Brooke DeKolf. Attorneys admitted Pro Hac Vice must have an individual PACER account, not a shared firm account, to electronically file in the District of Massachusetts. To register for a PACER account, go the Pacer website at https://pacer.uscourts.gov/register-account .Pro Hac Vice Admission Request Instructions https://www.mad.uscourts.gov/caselfile/nextgen-pro-hac-vice.htm .A Notice of Appearance must be entered on the docket by the newly admitted attorney. (Geraldino-Karasek, Claride) (Entered: 07/07/2022)		<
		Main Document		Buy on PACER	0
24	Jul 7, 2022		Judge Patti B. Saris: ELECTRONIC ORDER entered granting 21 Motion for Leave to Appear Pro Hac Vice Added Dije Ndreu. Attorneys admitted Pro Hac Vice must have an individual PACER account, not a shared firm account, to electronically file in the District of Massachusetts. To register for a PACER account, go the Pacer website at https://pacer.uscourts.gov/register-account .Pro Hac Vice Admission Request Instructions https://www.mad.uscourts.gov/caselfile/nextgen-pro-hac-vice.htm .A Notice of Appearance must be entered on the docket by the newly admitted attorney. (Geraldino-Karasek, Claride) (Entered: 07/07/2022)		<
		Main Document		Buy on PACER	0
25	Jul 7, 2022		Judge Patti B. Saris: ELECTRONIC ORDER entered granting 22 Motion for Leave to Appear Pro Hac Vice Added Petra Renee Wicklund. Attorneys admitted Pro Hac Vice must have an individual PACER account, not a shared firm account, to electronically file in the District of Massachusetts. To register for a PACER account, go the Pacer website at https://pacer.uscourts.gov/register-account .Pro Hac Vice Admission Request Instructions https://www.mad.uscourts.gov/caselfile/nextgen-pro-hac-vice.htm .A Notice of Appearance must be entered on the docket by the newly admitted attorney. (Geraldino-Karasek, Claride) (Entered: 07/07/2022)		<
		Main Document		Buy on PACER	0
	Jul 7, 2022		Order on Motion for Leave to Appear		<
26	Jul 13, 2022		MOTION for Leave to File Proposed Reply Brief in Support of Motion to Dismiss the Complaint by Gorton's Inc.. (Attachments: # 1 Exhibit 1 (Proposed Reply Brief)(Theophila, Mara) (Entered: 07/13/2022)		<
		Main Document	Leave to File Document	Buy on PACER	0
		Attachment 1	Exhibit 1 (Proposed Reply Brief)	Buy on PACER (\$1.80)	0
27	Jul 14, 2022		Judge Patti B. Saris: ELECTRONIC ORDER entered granting 26 Motion for Leave to File Document : Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Geraldino-Karasek, Claride) (Entered: 07/14/2022)		<
		Main Document		Buy on PACER	0
28	Jul 14, 2022		REPLY to Response to 13 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Gorton's Inc.. (Theophila, Mara) (Entered: 07/14/2022)		<
		Main Document	Reply to Response to Motion	Buy on PACER	0
	Jul 14, 2022		Order on Motion for Leave to File Document		<
29	Jul 15, 2022		Opposition re 17 MOTION for Leave to File [Proposed Amici Curiae Partially Consented-To Motion for Leave to File Amicus Brief] filed by Jeffrey Alan Spindel. (Wicklund, Petra) (Entered: 07/15/2022)		<
		Main Document	Opposition to Motion	Buy on PACER	0
30	Jul 22, 2022		Assented to MOTION for Leave to File by Global Seafood Alliance, New England Aquarium. (Attachments: # 1 [Proposed] Reply iao Partially Consented-To Motion for Leave to File Amicus Brief)(Rosen, Mark) (Entered: 07/22/2022)		<
		Main Document	Leave to File Document	Buy on PACER	0
		Attachment 1	[Proposed] Reply iao Partially Consented-To Motion for Leave to File Amicus Bri	Buy on PACER (\$0.50)	0
31	Jul 25, 2022		Judge Patti B. Saris: ELECTRONIC ORDER entered granting 30 Motion for Leave to File a REPLY : Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Geraldino-Karasek, Claride) (Entered: 07/25/2022)		<
		Main Document		Buy on PACER	0
32	Jul 25, 2022		REPLY to Response to 17 MOTION for Leave to File [Proposed Amici Curiae Partially Consented-To Motion for Leave to File Amicus Brief] filed by Global Seafood Alliance, New England Aquarium. (Rosen, Mark) (Entered: 07/25/2022)		<
		Main Document	Reply to Response to Motion	Buy on PACER	0
	Jul 25, 2022		Order on Motion for Leave to File Document		<
33	Jul 26, 2022		MOTION for Leave to File Sur-Reply in Opposition to Defendants Reply Memorandum of Law in Further Support of Gortons, Inc.s Motion to Dismiss the Complaint (ECF No. 28) by Jeffrey Alan Spindel. (Attachments: # 1 Exhibit 1, # 2 Dekolf Declaration)(Wicklund, Petra) (Entered: 07/26/2022)		<
		Main Document	Leave to File Document	Buy on PACER	0
		Attachment 1	Exhibit 1	Buy on PACER (\$0.80)	0
		Attachment 2	Dekolf Declaration	Buy on PACER (\$0.20)	0
34	Jul 27, 2022		Judge Patti B. Saris: ELECTRONIC ORDER entered granting 33 Motion for Leave to File Sur-Reply : Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Geraldino-Karasek, Claride) (Entered: 07/27/2022)		<
		Main Document		Buy on PACER	0
35	Jul 27, 2022		SUR-REPLY to Motion re 13 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM, 26 MOTION for Leave to File Proposed Reply Brief in Support of Motion to Dismiss the Complaint filed by Jeffrey Alan Spindel. (Attachments: # 1 Exhibit A: Dekolf Declaration)(Wicklund, Petra) (Entered: 07/27/2022)		<
		Main Document	Sur-reply to Motion	Buy on PACER	0
		Attachment 1	Exhibit A: Dekolf Declaration	Buy on PACER (\$0.20)	0
	Jul 27, 2022		Order on Motion for Leave to File Document		<
36	Aug 1, 2022		JOINT STATEMENT of counsel and Proposed Pretrial Schedule. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Wicklund, Petra) (Entered: 08/01/2022)		<
		Main Document	Joint statement of counsel	Buy on PACER	0
		Attachment 1	Exhibit A	Buy on PACER (\$0.10)	0
		Attachment 2	Exhibit B	Buy on PACER (\$0.10)	0
37	Aug 8, 2022		NOTICE of Appearance by Petra Renee Wicklund on behalf of Jeffrey Alan Spindel (Wicklund, Petra) (Entered: 08/08/2022)		<
		Main Document	Notice of Appearance	Buy on PACER	0
38	Aug 10, 2022		NOTICE of Appearance by Dije Ndreu on behalf of Jeffrey Alan Spindel (Ndreu, Dije) (Entered: 08/10/2022)		<
		Main Document	Notice of Appearance	Buy on PACER	0
39	Aug 10, 2022		NOTICE of Appearance by Brooke Allison Dekolf on behalf of Jeffrey Alan Spindel (Dekolf, Brooke) (Entered: 08/10/2022)		<
		Main Document	Notice of Appearance	Buy on PACER	0
40	Aug 11, 2022		Electronic Clerk's Notes for proceedings held before Judge Patti B. Saris: Motion Hearing held on 8/11/2022 re 13 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by VIDEO.Motion to Dismiss taken under advisement.(Atty present: Atty Ndreu, Donovan) (Court Reporter: Lee Marzilli at leemarz47@gmail.com.) (Molloy, Maryellen) (Entered: 08/11/2022)		<
		Main Document		Buy on PACER	0
41	Aug 11, 2022		Electronic Clerk's Notes for proceedings held before Judge Patti B. Saris: Scheduling Conference held on 8/11/2022 BY VIDEO.ORDERED: All discovery Stayed pending ruling on Motion to Dismiss. Joint Statement - Not Adopted. (Court Reporter: Lee Marzilli at leemarz47@gmail.com.) (Molloy, Maryellen) (Entered: 08/11/2022)		<
		Main Document		Buy on PACER	0
	Aug 11, 2022		Motion Hearing		<
	Aug 11, 2022		Scheduling Conference		<
42	Aug 24, 2022		Judge Patti B. Saris: MEMORANDUM AND ORDER entered. Defendant's Motion to Dismiss (Docket No. 13.) is ALLOWED IN PART AND DENIED IN PART. See Memorandum and order for details. (Geraldino-Karasek, Claride) (Entered: 08/24/2022)		<
		Main Document	Order on Motion to Dismiss for Failure to State a Claim	Buy on PACER	0
43	Aug 24, 2022		Judge Patti B. Saris: ELECTRONIC ORDER entered. The parties shall file an AMENDED Joint Statement and Proposed Pretrial Schedule due by 9/14/2022. (Geraldino-Karasek, Claride) (Entered: 08/24/2022)		<
		Main Document		Buy on PACER	0

