

NOTICE: Summary decisions issued by the Appeals Court pursuant to its rule 1:28, as amended by 73 Mass. App. Ct. 1001 (2009), are primarily directed to the parties and, therefore, may not fully address the facts of the case or the panel's decisional rationale. Moreover, such decisions are not circulated to the entire court and, therefore, represent only the views of the panel that decided the case. A summary decision pursuant to rule 1:28 issued after February 25, 2008, may be cited for its persuasive value but, because of the limitations noted above, not as binding precedent. See Chace v. Curran, 71 Mass. App. Ct. 258, 260 n.4 (2008).

COMMONWEALTH OF MASSACHUSETTS

APPEALS COURT

19-P-1114

CLAUDE FRANCOIS

vs.

ERNST GUERRIER & others.¹

MEMORANDUM AND ORDER PURSUANT TO RULE 1:28

On appeal from the judgment following an order allowing the defendants' joint motion to enforce settlement agreement, the plaintiff contends that the motion judge did not rule independently on the merits of the motion in the present case, but instead merely adopted the ruling of a different judge of the Superior Court on a similar motion in a case involving her sister and the same defendants but in a different procedural posture.² In particular, the plaintiff asserts (as she did below) that Attorney Hanford Chiu was at no time authorized to settle her case, and that in any event Attorney Grant Hecht on December 29, 2018, wrote to Attorney Morenike Adams to say,

¹ Guerrier & Associates; MECM, LLC.; Marie Guerrier; and Zaida Rodrigues, notary public.

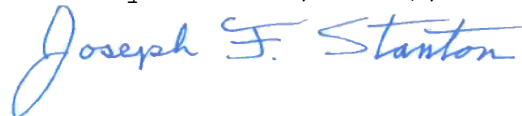
² The plaintiff's sister had failed to oppose the motion to enforce settlement agreement and was seeking reconsideration of the resulting dismissal.

"[P]lease allow this email to serve as our formal rejection of this offer. Please be further advised that as you have made a counter, our demand is now off the table and rescinded."

The brief written order of the motion judge does not reflect the basis on which he ruled that the parties entered into a binding settlement agreement, saying simply that "[t]his Court sees no reason to depart from Judge Ames's ruling in the parallel case" We accordingly are unable to discern the factual or legal predicate for the judge's ruling. Accordingly, we vacate the judgment and remand the matter to the Superior Court for further findings and a rationale explaining the basis for a conclusion that the alleged settlement agreement should be enforced or, in the alternative, for entry of any appropriate revised order and judgment.

So ordered.

By the Court (Green, C.J.,
Henry & Sacks, JJ.³),



Clerk

Entered: April 24, 2020.

³ The panelists are listed in order of seniority.