

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTSMATTHEW CHATHAM and
ERIN CHATHAM,

Plaintiffs,

v.

DANIEL J. LEWIS and
CANTERBURY VENTURES, LLC,

Defendants.

No. 1:17-CV-11473-IT

**ORDER ON DEFENDANTS' EMERGENCY MOTION
FOR CLARIFICATION OR STAY (#238)**

Previously, this court in May 2019 issued an order ("the 2019 Order") with respect to the property at the center of this suit, the residence at Lot 5, Amber Drive, Wrentham, Massachusetts. See Order at D. 169. The court issued the 2019 Order following a hearing convened upon learning that that the defendants had leased the property to others for an 18-month term to run until the end of October 2020. To address the serious but reasonable concerns raised by the defendants' leasing of the property, advance notice of which was not provided to the plaintiffs or the court, as well as to provide a degree of stability and certainty and clear expectations to the parties and tenants going forward, the 2019 Order *inter alia* directed the defendants not to: (1) extend the current lease of the subject property beyond its current 18-month

term; (2) lease, rent or sell the subject property to anyone after the current lease expires; or (3) market the subject property for lease, rent or sale to anyone, including the current tenants.

To be sure, the 2019 Order contemplated that the present suit would resolve over the ensuing 18 months, but that did not happen for a variety of reasons. That being said, the 2019 Order also contemplated that the defendants would take steps to ensure that the tenants timely vacated the property at the end of the lease, so that the property would be unencumbered as of November 1, 2020. But that too, for reasons that are not entirely clear, did not happen.

Against this backdrop, the defendants moved on August 14, 2020 to vacate or modify the 2019 Order to permit the defendants to extend the current tenants' lease by a year, and/or to market and sell the property. (D. 215). The court denied the motion (D. 234) and the defendants (1) appealed the court's denial to the presiding judge, and simultaneously (2) filed the present emergency motion "for clarification or stay" of this court's denial of the motion to vacate or modify the 2019 Order. In their motion the defendants ask specifically for "clarification of their continuing affirmative obligations under the May 13, 2019 Order." (D. 238).

This court in response convened a hearing on the defendants' motion on October 30, 2020. Now, based on the parties' submissions

and the information adduced at the hearing, the court hereby modifies its May 13, 2019 Order as follows:

1. The defendants may extend the lease of the current tenants for a period of six (6) months, from November 1, 2020 through April 30, 2021. The defendants may not extend the lease beyond April 30, 2021;
2. In the absence of a subsequent order by this court, or an agreement by the parties and the court modifying the six-month period set forth above, the current tenants are thus expected to vacate the premises by the end of April 2021. The defendants shall notify the court if the current tenants vacate the premises before the end of the six-month period.
3. The defendants shall take all reasonable steps to ensure that the property is vacant as of May 1, 2021, including, if necessary, by initiating summary process proceedings. In that regard, the defendants shall immediately notify the court if they come to have a basis to believe the premises may not be vacant as of May 1, 2021, or if legal process may be necessary to achieve that result;
4. The defendants shall provide the current tenants with a copy of this Order within seven (7) days of its issuance. The defendants shall notify the court when they have done

so, by notifying this court's Deputy Clerk by e-mail, with copy to counsel for the plaintiffs;

5. The defendants shall on March 31, 2021 file a status report stating the defendants' understanding as to whether the property will as anticipated be vacant as of May 1, 2021.

SO ORDERED.

/s/ Donald L. Cabell
DONALD L. CABELL, U.S.M.J.

DATED: November 5, 2020