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SJC-11632

JEANNE A. GOLRICK vs. U.S. BANK, N.A.

July 17, 2014.

Supreme Judicial Court, Superintendence of inferior courts.

The petitioner filed a petition in the county court pursuant to G. L. c. 211, § 3, challenging a Superior Court order denying her request that the respondent's attorney be disqualified from representing the respondent in the underlying litigation between the parties. A single justice of this court denied the petition without a hearing, and the petitioner appealed. We affirm.

The case is before us on a memorandum and appendix filed by the petitioner pursuant to S.J.C. Rule 2:21, as amended, 434 Mass. 1301 (2001). That rule requires the petitioner to "set forth the reasons why review of the trial court decision cannot adequately be obtained on appeal from any final adverse judgment in the trial court or by other available means." She has failed to carry her burden. The alternative remedy in this case is clear: the petitioner can adequately obtain review of the order denying disqualification of the respondent's counsel in an appeal from the adverse final judgment.¹ Masiello v. Perini Corp., 394 Mass. 842, 850 (1985) (citation omitted). Borman v. Borman, 378 Mass. 775, 779 (1979). General Laws c. 211, § 3, is not a substitute for the normal process of trial and appeal, and the petitioner has not demonstrated any extraordinary circumstances rendering the ordinary remedy inadequate.

¹ The Superior Court docket indicates that judgment now has entered for the respondent and that the petitioner has in fact filed a notice of appeal.

Judgment affirmed.

The case was submitted on the papers filed, accompanied by a memorandum of law.

Jeanne A. Golrick, pro se.

David W. Merritt for the respondent.