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SJC-12578

MARGARITA ARONOVA vs. MOSTAFA MOHAMED.

February 21, 2019.

Supreme Judicial Court, Superintendence of inferior courts.
District Court, Small claims procedure, Appellate Division.
Practice, Civil, Small claims procedure, Appellate
Division: appeal.

Margarita Aronova appeals from a judgment of the county court denying, without a hearing, her petition for relief under G. L. c. 211, § 3. Aronova was the defendant in a small claims matter commenced in the District Court by Mostafa Mohamed, to whom Aronova had rented a room. Mohamed claimed, among other things, that Aronova had violated the security deposit statute. Aronova did not request that the matter be transferred to the regular civil docket pursuant to G. L. c. 218, § 24, and Rule 4(a) of the Uniform Small Claims Rules. A magistrate found for Mohamed, and Aronova claimed her right to a trial by a jury of six. For reasons that are not apparent on the record, the matter was tried not to a jury, but to a judge in the District Court, who also found for Mohamed.¹ Aronova did not request that the judge report any questions to the Appellate Division. In her petition, Aronova sought review of the judge's decision. We affirm.

As a petitioner seeking extraordinary relief, Aronova bore the burden to "demonstrate both a substantial claim of violation of [her] substantive rights and error that cannot be remedied under the ordinary review process." McGuinness v. Commonwealth,

¹ Aronova does not argue that she was wrongly denied a jury trial.

420 Mass. 495, 497 (1995), quoting Planned Parenthood League of Mass., Inc. v. Operation Rescue, 406 Mass. 701, 706 (1990). "We review the single justice's denial of relief only to determine whether there was an abuse of discretion or an error of law."² Matter of an Application for a Criminal Complaint, 477 Mass. 1010, 1010 (2017), citing Marides v. Rossi, 446 Mass. 1007, 1007 (2006). The single justice neither erred nor abused his discretion in this case.

"The small claims procedure was designed by the Legislature as a 'simple, informal and inexpensive procedure.' G. L. c. 218, § 21. . . . Parties who opt to take advantage of its benefits forgo certain rights that they would otherwise have in a regular civil case, including the regular rights of appellate review." D.R. Peck Excavating, Inc. v. Machado, 481 Mass. 1033, 1034 (2019), citing Eresian v. Hall, 442 Mass. 1022, 1023 (2004). "[A]fter a small claims case is tried in the District Court before a judge or jury, the losing litigant has no right to appeal to the Appellate Division." D.R. Peck Excavating, Inc., supra. A party may ask the judge to report questions of law to the Appellate Division, but "[n]o party shall be entitled to a report." Id., quoting G. L. c. 218, § 23. Moreover, by not exercising her right to request a transfer to the regular civil docket at the outset, Aronova submitted to the small claims process and agreed to this limited appellate option. Christopher v. Porter, 450 Mass. 1007, 1009 (2007), quoting Eresian, supra. "We have consistently held that a defendant who fails to take that step has no right later to obtain review under G. L. c. 211, § 3, to replace the appellate rights [she] voluntarily relinquishes by going forward under the small claims procedure" D.R. Peck Excavating, Inc., supra, and cases cited.

Judgment affirmed.

Margarita Aronova, pro se.
Mostafa Mohamed, pro se.

² In her brief, Aronova does not present any argument that the single justice wrongly denied extraordinary relief, but only raises claims of error in the small claims action. This presents a further reason not to disturb the single justice's judgment.