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SJC-12801

JARID PRINCE vs. OBELISK, INC., & another.¹

February 11, 2020.

Supreme Judicial Court, Superintendence of inferior courts.
Practice, Civil, Small claims procedure.

Jarid Prince appeals from a judgment of the county court denying, without a hearing, his petition for relief under G. L. c. 211, § 3, in which he sought relief from a judgment entered in a small claims case in the Boston Municipal Court. In that case, Prince alleged that the defendants, Obelisk, Inc., and Nebulous, Inc., violated G. L. c. 93A by overcharging him for certain computing devices and by substituting devices of inferior quality. After a hearing, the clerk-magistrate entered judgment for the defendants, finding that Prince had not proved that they were responsible for the damages he claimed. Prince's motion for reconsideration was denied, and it appears that the clerk-magistrate has not acted on his subsequent postjudgment motions. We affirm the judgment of the county court.

"We review the single justice's denial of relief only to determine whether there was an abuse of discretion or an error of law." Matter of an Application for a Criminal Complaint, 477 Mass. 1010, 1010 (2017), citing Marides v. Rossi, 446 Mass. 1007, 1007 (2006). "We have repeatedly stated that a plaintiff who chooses to proceed in the small claims session waives the right to appeal from any adverse judgment, and likewise is not entitled to invoke this court's extraordinary power of general superintendence in lieu of an appeal to compel review of the judgment." Zullo v. Culik Law P.C., 467 Mass. 1009, 1009

¹ Nebulous, Inc.

(2014), and cases cited. See G. L. c. 218, § 23 ("A plaintiff beginning a cause under the [small claims] procedure shall be deemed to have waived a trial by jury and any right of appeal to a jury of six session in the district court department"). Prince argues that the clerk-magistrate should have made detailed findings. However, nothing in the statutes or rules governing small claims procedures requires the clerk-magistrate to do so. By choosing to proceed in the small claims session rather than commencing an ordinary civil action or requesting a transfer to the regular civil docket, Prince submitted to the "simple, informal and inexpensive" small claims 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" D.R. Peck Excavating, Inc. v. Machado, 481 Mass. 1033, 1034 (2019).

The single justice neither erred nor abused his discretion by denying extraordinary relief.

Judgment affirmed.

The case was submitted on briefs.
Jarid Prince, pro se.