

# 2181CV01904 Babakinejad, Babak vs. Massachusetts Institute of Technology

- Case Type:
- Torts
- Case Status:
- Open
- File Date
- 08/31/2021
- DCM Track:
- F - Fast Track
- Initiating Action:
- Other Tortious Action
- Status Date:
- 08/31/2021
- Case Judge:
- 
- Next Event:
- 05/13/2024

[All Information](#)
[Party](#)
[Event](#)
[Tickler](#)
[Docket](#)
[Disposition](#)

## Party Information

**Babakinejad, Babak**  
- Plaintiff

Alias

### Party Attorney

- Attorney
- Pro Se
- Bar Code
- PROPER
- Address
- Phone Number
- 

[More Party Information](#)

**Massachusetts Institute of Technology**  
- Defendant

Alias

### Party Attorney

- Attorney
- Murphy, Esq., Martin F
- Bar Code
- 363250
- Address
- Manatt Phelps and Phillips LLP
- 177 Huntington Ave
- Suite 2500
- Boston, MA 02115
- Phone Number
- (617)646-1447
- Attorney
- Perkins, Esq., Richard N
- Bar Code
- 705758
- Address
- Manatt, Phelps and Phillips, LLP
- 1 Beacon St
- 28th Floor
- Boston, MA 02108
- Phone Number
- (617)646-1444

[More Party Information](#)

## Events












Date	Session	Location	Type	Event Judge	Result
07/28/2022 03:30	Civil H Rm		Motion Hearing		Rescheduled

<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
PM	710				
09/07/2022 02:00 PM	Civil H Rm 710		Conference to Review Status		Held as Scheduled
11/03/2022 02:00 PM	Civil H Rm 710		Hearing RE: Discovery Motion(s)		Held as Scheduled
02/06/2023 02:00 PM	Civil H Rm 710		Conference to Review Status		Held as Scheduled
04/04/2023 03:00 PM	Civil H Rm 710		Motion Hearing to Compel		Rescheduled
04/10/2023 03:00 PM	Civil H Rm 710		Motion Hearing to Compel		Rescheduled
05/17/2023 02:30 PM	Civil H Rm 710	Courtroom 710	Hearing for Protective Order	Barry-Smith, Hon. Christopher K	Held as Scheduled
05/26/2023 02:00 PM	Civil H Rm 710		Conference to Review Status	Barry-Smith, Hon. Christopher K	Held as Scheduled
05/31/2023 03:30 PM	Civil H Rm 710		Hearing RE: Discovery Motion(s)		Rescheduled
06/21/2023 09:30 AM	Civil H Rm 710		Hearing RE: Discovery Motion(s)	Barry-Smith, Hon. Christopher K	Held - Under advisement
07/12/2023 02:00 PM	Civil H Rm 710		Hearing RE: Discovery Motion(s)	Barry-Smith, Hon. Christopher K	Canceled
09/27/2023 02:30 PM	Civil H Rm 710		Hearing RE: Discovery Motion(s)	Barry-Smith, Hon. Christopher K	Held as Scheduled
05/13/2024 02:15 PM	Civil H Rm 710	Courtroom 710	Final Pre-Trial Conference		







**Ticklers**





<u>Tickler</u>	<u>Start Date</u>	<u>Due Date</u>	<u>Days Due</u>	<u>Completed Date</u>
Service	08/31/2021	11/29/2021	90	02/14/2022
Answer	08/31/2021	01/18/2022	140	05/26/2022
Rule 12/19/20 Served By	08/31/2021	12/29/2021	120	
Rule 12/19/20 Filed By	08/31/2021	01/28/2022	150	
Rule 12/19/20 Heard By	08/31/2021	02/28/2022	181	
Rule 15 Served By	08/31/2021	12/29/2021	120	
Rule 15 Filed By	08/31/2021	01/28/2022	150	
Rule 15 Heard By	08/31/2021	02/28/2022	181	
Discovery	08/31/2021	06/27/2022	300	
Rule 56 Served By	08/31/2021	07/27/2022	330	
Rule 56 Filed By	08/31/2021	08/26/2022	360	
Final Pre-Trial Conference	08/31/2021	12/27/2022	483	
Judgment	08/31/2021	08/31/2023	730	
Status Review	11/03/2021	02/28/2022	117	03/14/2022
Under Advisement	06/21/2023	07/21/2023	30	09/27/2023
Status Review	06/23/2023	07/28/2023	35	12/14/2023
Status Review	10/25/2023	12/01/2023	37	12/14/2023
Status Review	12/07/2023	01/08/2024	32	12/14/2023



















**Docket Information**

<a href="#">Docket Date</a>	<a href="#">Docket Text</a>	<a href="#">File Ref Nbr.</a>	<a href="#">Image Avail.</a>
08/31/2021	Attorney appearance On this date Mitchell Jay Notis, Esq. added for Plaintiff Babak Babakinejad		
08/31/2021	Case assigned to: DCM Track F - Fast Track was added on 08/31/2021		 <a href="#">Image</a>
08/31/2021	Original civil complaint filed.	1	 <a href="#">Image</a>
08/31/2021	Civil action cover sheet filed.	2	 <a href="#">Image</a>
08/31/2021	Demand for jury trial entered.		<a href="#">Image</a>
10/20/2021	Amended: first amended complaint filed by Babak Babakinejad and demand for jury trial.	3	 <a href="#">Image</a>
11/15/2021	Service Returned for Defendant Massachusetts Institute of Technology: Service through person in charge / agent;  (email MITOGC@MIT.EDU) on 11/4/21 at 77 Massachusetts Ave Building 3-208 Cambridge MA, 02139	4	 <a href="#">Image</a>
11/22/2021	Defendant Massachusetts Institute of Technology's Assented to Motion to extend time to file a responsive pleading to Plaintiff's complaint	5	 <a href="#">Image</a>
11/22/2021	Attorney appearance electronically filed.		 <a href="#">Image</a>
11/22/2021	Attorney appearance On this date Gregory A Manousos, Esq. added for Defendant Massachusetts Institute of Technology		<a href="#">Image</a>
11/24/2021	Endorsement on Motion to Extend Time To File A Responsive Pleading to Plaintiff's Complaint (#5.0): ALLOWED Answer/Response by 1/4/22. (Dated: 11/23/21) notice sent 11/24/21  Judge: Barry-Smith, Hon. Christopher K		 <a href="#">Image</a>
12/20/2021	Defendant Massachusetts Institute of Technology's Assented to Motion to extend time for file a responsive pleading to plaintiff's complaint.	6	 <a href="#">Image</a>
12/22/2021	Endorsement on Motion to Extend Time to File a Responsive Pleading to Plaintiff's Complaint (#6.0): ALLOWED Answer or other response by 1/18/22. (Dated: 12/22/21) notice sent 12/22/21  Judge: Barry-Smith, Hon. Christopher K		 <a href="#">Image</a>
01/19/2022	Plaintiff Babak Babakinejad's Motion to File Second Amended Complaint (Rule 9A Waived by the Parties)	7	 <a href="#">Image</a>
01/28/2022	Endorsement on Motion to file a Second Amended Complaint (#7.0): ALLOWED Allowed without opposition. 2nd Amended complaint may be docketed once plaintiff file a signed copy. So ordered. (Dated: 1/26/2022) notice sent 1/28/22  Judge: Barry-Smith, Hon. Christopher K		 <a href="#">Image</a>
01/28/2022	Amended: Second amended complaint filed by Babak Babakinejad	8	 <a href="#">Image</a>
02/24/2022	Answer to amended complaint  Applies To: Massachusetts Institute of Technology (Defendant)	9	 <a href="#">Image</a>
02/24/2022	Attorney appearance On this date Jeffrey Thomas Collins, Esq. added as Private Counsel for Defendant Massachusetts Institute of Technology		
06/16/2022	Defendant Massachusetts Institute of Technology's Motion for Protective Order that Certain Depositions Not Be Taken and to Reasonable Limit the Scope of Discovery	10	 <a href="#">Image</a>
06/16/2022	Massachusetts Institute of Technology's Memorandum in support of Motion for Protective Order that Certain Depositions Not Be Taken and to Reasonable Limit the Scope of Discovery	10.1	 <a href="#">Image</a>
06/16/2022	Opposition to Motion for Protective Order that Certain Depositions Not Be Taken and to Reasonable Limit the Scope of Discovery filed by Babak Babakinejad	10.2	 <a href="#">Image</a>
06/16/2022	Reply/Sur-reply  to Plaintiff's Opposition to Defendant's Motion for Protective Order that Certain Depositions Not Be Taken and to Reasonable Limit the Scope of Discovery	10.3	 <a href="#">Image</a>









<a href="#">Docket Date</a>	<a href="#">Docket Text</a>	<a href="#">File Ref Nbr.</a>	<a href="#">Image Avail.</a>
06/16/2022	Defendant Massachusetts Institute of Technology's Motion to quash Deposition Subpoena and for a Protective Order that Certain Depositions Not Be Taken	11	 <a href="#">Image</a>
06/16/2022	Massachusetts Institute of Technology's Memorandum in support of Motion to quash Deposition Subpoena and for a Protective Order that Certain Depositions Not Be Taken	11.1	 <a href="#">Image</a>
06/16/2022	Opposition to Motion to quash Deposition Subpoena and for a Protective Order that Certain Depositions Not Be Taken filed by Babak Babakinejad	11.2	 <a href="#">Image</a>
06/16/2022	Reply/Sur-reply to Plaintiff's Opposition to Defendant's Motion to quash Deposition Subpoena and for a Protective Order that Certain Depositions Not Be Taken	11.3	 <a href="#">Image</a>
06/17/2022	The following form was generated:  Notice to Appear Sent On: 06/17/2022 14:22:28		
06/24/2022	Defendant Massachusetts Institute of Technology's Motion for entry of confidentiality order.	12	 <a href="#">Image</a>
06/24/2022	Opposition to #12 motion, and request for hearing. filed by Babak Babakinejad	12.1	 <a href="#">Image</a>
06/24/2022	Reply/Sur-reply Defendant's reply too plaintiff's opposition to #12 motion.	12.2	 <a href="#">Image</a>
06/24/2022	Defendant Massachusetts Institute of Technology's Notice of superior court rule 9A filing.	12.3	 <a href="#">Image</a>
06/24/2022	Defendant Massachusetts Institute of Technology's Notice of superior court rule 9A list of documents.	12.4	 <a href="#">Image</a>
06/24/2022	Defendant Massachusetts Institute of Technology's Certificate of service pursuant to superior court rule 9A.	12.5	 <a href="#">Image</a>
07/18/2022	Plaintiff Babak Babakinejad's Motion to extend tracking deadline(s)	13	 <a href="#">Image</a>
07/18/2022	Opposition to #13 motion. filed by Massachusetts Institute of Technology	13.1	 <a href="#">Image</a>
07/18/2022	Reply/Sur-reply Plaintiff's reply tp defendant's opposition to #13 motion.	13.2	 <a href="#">Image</a>
07/18/2022	Plaintiff Babak Babakinejad's Certificate of consultation pursuant to superior court rule 9C.	13.3	 <a href="#">Image</a>
07/18/2022	Plaintiff Babak Babakinejad's Notice of superior court rule 9A filing.	13.4	 <a href="#">Image</a>
07/18/2022	Plaintiff Babak Babakinejad's Notice of superior court rule 9A list of documents filed.	13.5	 <a href="#">Image</a>
07/21/2022	Endorsement on Motion to Extend Tracking Order Deadlines (#13.0): Other action taken The appropriate duration of discovery will be decided in conjunction with discovery motions at 7/28/22 hearing. (Dated: 7/19/22) notice sent 7/21/22  Judge: Barry-Smith, Hon. Christopher K		 <a href="#">Image</a>
07/22/2022	Defendant Massachusetts Institute of Technology's Motion to Reschedule July 28, 2022 Hearing	14	 <a href="#">Image</a>
07/22/2022	Opposition to Motion to Reschedule July 28, 2022 Hearing filed by Babak Babakinejad	14.1	 <a href="#">Image</a>
07/22/2022	Reply/Sur-reply Defendant's Reply to Plaintiff's Opposition to Defendant's Motion to Reschedule July 28, 2022 Hearing	14.2	 <a href="#">Image</a>
07/27/2022	Event Result:: Motion Hearing scheduled on: 07/28/2022 03:30 PM Has been: Rescheduled For the following reason: Request of Defendant Hon. Christopher K Barry-Smith, Presiding Staff: Dia S Roberts-Tyler, Assistant Clerk Magistrate		
08/03/2022	Endorsement on Motion of Defendant to Reschedule July 28, 2022 Hearing (#14.0): ALLOWED This motion was allowed on 7/25/22. Clerk to schedule new date for discovery conference, per 8/2/22 order. (Dated: 8/2/22) notice sent 8/3/22		 <a href="#">Image</a>

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	Judge: Barry-Smith, Hon. Christopher K		
08/03/2022	Endorsement on Motion of Defendant to Quash Deposition Subpoena and For a Protective Order That Certain Depositions Not Be Taken (#11.0): ALLOWED See order of 8/2/22. (Dated: 8/2/22) notice sent 8/3/22  Judge: Barry-Smith, Hon. Christopher K		 <a href="#">Image</a>
08/03/2022	Endorsement on Motion of Defendant For Entry of Confidentiality Order (#12.0): ALLOWED See order of 8/2/22. (Dated: 8/2/22) notice sent 8/3/22  Judge: Barry-Smith, Hon. Christopher K		 <a href="#">Image</a>
08/03/2022	ORDER: CONFIDENTIALITY ORDER (which see 7 pages scanned)  IT IS SO ORDERED.  Christopher K. Barry-Smith Middlesex Superior Court Judge  Dated: 8/2/2022)  Entered and copies sent 8/3/22  Judge: Barry-Smith, Hon. Christopher K	15	 <a href="#">Image</a>
08/03/2022	ORDER: ON MOTIONS NOS. 12, 11, AND 10 (which see 2 pages)  So ordered.  August 2, 2022                      Christopher K. Barry-Smith Associate Justice, Superior Court  Entered and copies sent 8/3/22  Judge: Barry-Smith, Hon. Christopher K	16	 <a href="#">Image</a>
08/08/2022	The following form was generated:  Notice to Appear Sent On: 08/08/2022 12:02:28		
08/08/2022	The following form was generated:  Notice to Appear Sent On: 08/08/2022 12:07:06		
08/08/2022	The following form was generated:  Notice to Appear Sent On: 08/08/2022 12:13:33		
09/02/2022	Proposed Filings/Orders  Defendant Massachusetts Institute of Technology's proposed discovery plan.	17	 <a href="#">Image</a>
09/06/2022	Proposed Filings/Orders  Plaintiff's proposed discovery plain.	17.1	 <a href="#">Image</a>
09/07/2022	Plaintiff Babak Babakinejad's EMERGENCY Motion to immediately withdraw as counsel for plaintiff.  Applies To: Notis, Esq., Mitchell Jay (Attorney) on behalf of Babakinejad, Babak (Plaintiff)	18	
09/07/2022	Event Result:: Conference to Review Status scheduled on: 09/07/2022 02:00 PM Has been: Held as Scheduled Hon. Christopher K Barry-Smith, Presiding Staff: Dia S Roberts-Tyler, Assistant Clerk Magistrate		
09/08/2022	Endorsement on Motion of Mitchell J. Notis to Immediately Withdraw as Counsel For Plaintiff (Emergency Motion) (#18.0): ALLOWED After hearing, motion to withdraw is allowed. Plaintiff will endeavor to obtain successor counsel by the next conference on 11/3/22, at 2:00 pm. Further, this motion and any response shall be, after hearing, impounded. So ordered. (Dated: 9/7/22) notice sent 9/8/22		
09/08/2022	Attorney appearance		



<a href="#">Docket Date</a>	<a href="#">Docket Text</a>	<a href="#">File Ref Nbr.</a>	<a href="#">Image Avail.</a>
	On this date Mitchell Jay Notis, Esq. dismissed/withdrawn for Plaintiff Babak Babakinejad		
09/08/2022	The following form was generated:  Notice to Appear Sent On: 09/08/2022 15:50:47		
11/01/2022	Plaintiff Babak Babakinejad's Motion to Reschedule November 3, 2022 Conference to Review Status.	19	 <a href="#">Image</a>
11/03/2022	Attorney appearance On this date Pro Se added for Plaintiff Babak Babakinejad		
11/03/2022	Event Result:: Hearing RE: Discovery Motion(s) scheduled on: 11/03/2022 02:00 PM Has been: Held as Scheduled Hon. Christopher K Barry-Smith, Presiding Staff: Dia S Roberts-Tyler, Assistant Clerk Magistrate		
11/04/2022	The following form was generated:  Notice to Appear Sent On: 11/04/2022 09:16:08		
11/04/2022	Endorsement on Motion of Plaintiff to Reschedule November 3, 2022 Conference to Review Status (#19.0): Other action taken This conference went forward today, attended by plaintiff and counsel for defendant. With all parties' assent, I have continued until Feb. 6, 2023 the hearing at which we will enter a discovery schedule and address the still outstanding motions by MIT concerning the proper scope of discovery. Continuance is to provide additional time for plaintiff to obtain counsel. (Dated: 11/3/22) notice sent 11/4/22  Judge: Barry-Smith, Hon. Christopher K		 <a href="#">Image</a>
02/06/2023	Event Result:: Conference to Review Status scheduled on: 02/06/2023 02:00 PM Has been: Held as Scheduled Hon. David A Deakin, Presiding		
02/07/2023	The following form was generated:  Notice to Appear Sent On: 02/07/2023 09:26:52		
02/07/2023	ORDER: Procedural After hearing today on Defendant's Motion for a Protective Order That Certain Depositions not be Taken and to Reasonably Limit the Scope of Discovery (Motion for Protective Order, Paper No. 10), the following procedural ORDER is entered. No later than March 1, 2023, the defendant, Massachusetts Institute of Technology (MIT) is to serve on the currently self-represented plaintiff, Babak Babakinejad or on counsel for the plaintiff, if the plaintiff has secured counsel by then a detailed objection to the document requests that the plaintiff has served on MIT. The objection should attach the document requests to which it is addressed and must set out the specific basis of objection to each such request. No later than March 29, 2023, the plaintiff shall serve on counsel for MIT his response to MIT's objection. In his response, Mr. Babakinejad shall set out clearly the legal basis for any document request that he continues to press after reviewing MIT's objection. No later than April 7, 2023, counsel for MIT shall file its objection and Mr. Babakinejad's response, pursuant to Massachusetts Superior Court Rule 9A. A hearing on the Motion for Protective Order shall be held on April 10, 2023, via Zoom teleconference. So ORDERED this sixth day of February 2023.	20	 <a href="#">Image</a>
02/17/2023	Event Result:: Motion Hearing to Compel scheduled on: 04/04/2023 03:00 PM Has been: Rescheduled For the following reason: By Court prior to date Comments: incorrect date issued Hon. David A Deakin, Presiding		
02/17/2023	The following form was generated:  Notice to Appear Sent On: 02/17/2023 09:50:56		
04/06/2023	Event Result:: Motion Hearing to Compel scheduled on: 04/10/2023 03:00 PM Has been: Rescheduled For the following reason: By Court prior to date Comments: on trial Hon. Christopher K Barry-Smith, Presiding		
04/06/2023	General correspondence regarding email sent on 4/6/23 to parties cancelling the hearing scheduled for 4/10/23	21	 <a href="#">Image</a>


<a href="#">Docket Date</a>	<a href="#">Docket Text</a>	<a href="#">File Ref Nbr.</a>	<a href="#">Image Avail.</a>
04/07/2023	Defendant Massachusetts Institute of Technology's Supplement to Its Motion for a Protective Order that Certain Deposition Not Be Taken and to Reasonably Limit the Scope of Discovery	22	 <a href="#">Image</a>
04/07/2023	Opposition to Supplement to Its Motion for a Protective Order that Certain Deposition Not Be Taken and to Reasonably Limit the Scope of Discovery filed by Babak Babakinejad	22.1	 <a href="#">Image</a>
04/07/2023	Exhibits/Appendix (Plaintiff's Attachment A to its Opposition)		 <a href="#">Image</a>
04/07/2023	Exhibits/Appendix (Plaintiff's Exhibits A-AJ to its Opposition)		 <a href="#">Image</a>
04/18/2023	General correspondence regarding from Plaintiff, USB stick containing video files for exhibit E,F, and G	23	 <a href="#">Image</a>
05/17/2023	Attorney appearance On this date Eugenie S Reich, Esq. added as Private Counsel for Plaintiff Babak Babakinejad		 <a href="#">Image</a>
05/17/2023	Attorney appearance electronically filed.		 <a href="#">Image</a>
05/17/2023	Event Result:: Hearing for Protective Order scheduled on: 05/17/2023 02:30 PM Has been: Held as Scheduled Hon. Christopher K Barry-Smith, Presiding		 <a href="#">Image</a>
05/17/2023	Attorney appearance On this date Pro Se dismissed/withdrawn for Plaintiff Babak Babakinejad		
05/19/2023	General correspondence regarding from Attorney Greg Manousos requesting a continuance	24	 <a href="#">Image</a>
05/19/2023	Event Result:: Hearing RE: Discovery Motion(s) scheduled on: 07/12/2023 02:00 PM Has been: Canceled For the following reason: By Court prior to date Comments: The original date of May 31 will remain Hon. Christopher K Barry-Smith, Presiding		 <a href="#">Image</a>
05/26/2023	Event Result:: Hearing RE: Discovery Motion(s) scheduled on: 05/31/2023 03:30 PM Has been: Rescheduled For the following reason: By Court prior to date Hon. Christopher K Barry-Smith, Presiding		
05/26/2023	Event Result:: Conference to Review Status scheduled on: 05/26/2023 02:00 PM Has been: Held as Scheduled Hon. Christopher K Barry-Smith, Presiding		
06/07/2023	Plaintiff Babak Babakinejad's Motion for recusal	25	 <a href="#">Image</a>
06/07/2023	Babak Babakinejad's Memorandum in support of motion for recusal	25.1	 <a href="#">Image</a>
06/07/2023	Exhibits/Appendix		 <a href="#">Image</a>
06/07/2023	Exhibits/Appendix		 <a href="#">Image</a>
06/07/2023	Exhibits/Appendix		 <a href="#">Image</a>
06/07/2023	Exhibits/Appendix		 <a href="#">Image</a>
06/07/2023	Exhibits/Appendix		 <a href="#">Image</a>
06/09/2023	Endorsement on Motion for recusal. (#25.0): DENIED Dated 6/9/23  I have carefully considered this motion and searched my conscience as to whether I can be objective, fair, and unbiased in this litigation notwithstanding that Atty. Collins was one of my 200+ colleagues with whom I worked during my seventeen years at the Attorney General's Office, which employ I left about seven years ago. I have determined, with clarity and conviction, that I am and can be and will be unbiased. Motion is DENIED.		 <a href="#">Image</a>
06/20/2023	Plaintiff Babak Babakinejad's Motion to Compel	26	 <a href="#">Image</a>



<a href="#">Docket Date</a>	<a href="#">Docket Text</a>	<a href="#">File Ref Nbr.</a>	<a href="#">Image Avail.</a>
06/20/2023	Proposed Filings/Orders		
06/21/2023	Matter taken under advisement: Hearing RE: Discovery Motion(s) scheduled on: 06/21/2023 09:30 AM Has been: Held video conference - Under advisement Hon. Christopher K Barry-Smith, Presiding		<a href="#">Image</a>
06/22/2023	Defendant Massachusetts Institute of Technology's Submission of Proposal to Reasonably Limit the Scope of Discovery and Modify Tracking Order Deadlines	27	 <a href="#">Image</a>
06/23/2023	ORDER: ON DISCOVERY: The plaintiff alleges that MIT wrongfully terminated him in violation of public policy because it terminated him after he raised concerns about research misconduct related to the "Food Computer" project at MIT, fundraising misconduct (raising funds based on misrepresenting technology and the status of research), and environmental misconduct related to unlawful discharges, also related to the same project. Presently before the court are MIT's motion for protective order and plaintiff's motion to compel, concerning plaintiff's discovery requests. After an initial hearing, at which I instructed counsel to confer regarding phasing and timing of discovery, counsel for the parties have made significant progress. At a hearing on June 21, 2023, counsel for the parties outlined for the court MIT's agreement to produce certain responsive documents, on a rolling basis, once a search of electronic records for a negotiated set of custodians occurred. As discussed at the hearing, the parties should continue to carry out the agreed-upon discovery. Certain issues concerning the appropriate scope of discovery remain and, after hearing, this order provides a ruling on certain of those disputes, to be incorporated by the parties as they continue through discovery. Both parties reserve their rights to revisit issues concerning the scope of discovery as the case progresses. 1. Date Range: For all claims, the parties shall use the date range of January 1, 2017 through June 6, 2022, which is a few months more than MIT has suggested, but does not adopt a longer time frame for environmental issues as plaintiff has suggested. 2. Financial Information regarding Fundraising for the Food Computer Project. I agree with MIT that it need not identify donors or the amount given by any particular donor. I agree with plaintiff, however, that he is entitled to discover the overall magnitude/scope of fundraising for the project. MIT shall produce documents sufficient to identify: i) any fundraising goal(s) established by MIT for the project; and (ii) the total amount raised for the project. This information may take the form of documents, or an answer to an interrogatory. 3. Custodians for purposes of document search. The parties are very close on this issue. Reserving all rights with respect to a demonstrated need for additional custodians, the initial list of custodians shall be the seventeen persons identified by MIT, plus two additional persons, namely, David Zak and Whitney Burke, identified as "assistants" to the principal researcher, Caleb Harper. 4. The Discovery deadline in this case will be February 29, 2024. To be clear, the parties have committed to a rolling discovery process, which will begin promptly, acknowledging that the custodian search must first occur. To gauge the progress of rolling discovery, the clerk will schedule a discovery/status conference (via ZOOM) in or after August 2023. 5. The motion for protective order concerning "research misconduct" materials is reserved; no action taken at this time. I need to evaluate more exhaustively the case law on this point before ruling, but did not want to delay issuance of the other aspects of this decision. I will rule separately on the issue whether MIT's investigation into research misconduct is confidential and insulated from discovery. This aspect of the motion for protective order remains under advisement. So ordered. Dated June 23, 2023	28	 <a href="#">Image</a>
06/26/2023	Plaintiff Babak Babakinejad's Motion for leave to file	29	 <a href="#">Image</a>
07/03/2023	Endorsement on Motion for Leave to File (#29.0): ALLOWED Dated 7/3/23  ALLOWED. Pleading may be docketed.		 <a href="#">Image</a>
07/05/2023	Babak Babakinejad's Memorandum in support of his opposition to Defendant's motion for a protective order as relates to its research misconduct documents (Plaintiff's Supplemental Memorandum of Legal Authority)	30	 <a href="#">Image</a>
08/04/2023	Attorney Eugenie S Reich, Esq.'s motion to withdraw as counsel of record for party  Applies To: Babakinejad, Babak (Plaintiff)	31	 <a href="#">Image</a>
08/08/2023	Babak Babakinejad's Motion for leave to withdraw (AMENDED)	32	
08/14/2023	Endorsement on Motion to withdraw (amended) (#32.0): ALLOWED Based on this motion for leave to withdraw and Mr. Babkinejad's appearance pro se, I understand that plaintiff had discharged his counsel, attorney Reich. The motion for leave to withdraw is allowed. The plaintiff's pro se representation will be a basis to delay these proceedings, plaintiff should understand. Dated August 10, 2023		 <a href="#">Image</a>
08/14/2023	Attorney appearance On this date Eugenie S Reich, Esq. dismissed/withdrawn as Private Counsel for Plaintiff Babak Babakinejad		
08/14/2023	Attorney appearance On this date Pro Se added for Plaintiff Babak Babakinejad		



<a href="#">Docket Date</a>	<a href="#">Docket Text</a>	<a href="#">File Ref Nbr.</a>	<a href="#">Image Avail.</a>
09/22/2023	Attorney appearance On this date Martin F Murphy, Esq. added as Pro Hac Vice (SJC 3:15) for Defendant Massachusetts Institute of Technology		
09/22/2023	Attorney appearance electronically filed.		 <a href="#">Image</a>
09/22/2023	Attorney appearance On this date Alexandra G Lancey, Esq. added as Private Counsel for Defendant Massachusetts Institute of Technology		 <a href="#">Image</a>
09/22/2023	Attorney appearance electronically filed.		 <a href="#">Image</a>
09/25/2023	Attorney appearance On this date Gregory A Manousos, Esq. dismissed/withdrawn for Defendant Massachusetts Institute of Technology		 <a href="#">Image</a>
09/25/2023	Attorney appearance electronically filed.		 <a href="#">Image</a>
09/25/2023	Attorney appearance On this date Jeffrey Thomas Collins, Esq. dismissed/withdrawn as Private Counsel for Defendant Massachusetts Institute of Technology		 <a href="#">Image</a>
09/25/2023	Attorney appearance electronically filed.		 <a href="#">Image</a>
09/27/2023	Event Result:: Hearing RE: Discovery Motion(s) scheduled on: 09/27/2023 02:30 PM Has been: Held as Scheduled Hon. Christopher K Barry-Smith, Presiding		 <a href="#">Image</a>
10/23/2023	Endorsement on Supplement to MIT's Motion for a Protective Order that Certain Deposition Not Be Taken and to Reasonably Limit the Scope of Discovery (#22.0): Other action taken Dated 10/19/23  The court has yet to rule on the question whether documents reflecting MIT's own investigation or inquiry into Caleb Harper and any research misconduct by him or related to OpenAg are outside the proper scope of discovery. I am skeptical of MIT's broad contention that MIT's investigation into research misconduct is "confidential, not relevant, and outside the purview of the Court." But the issue is serious enough, given that it inherently involves employment of third parties and those persons' reputation, that I would like to make this decision, not in the abstract, but with knowledge of particular illustrations. Therefore, MIT shall provide to the undersigned judge, for in camera review, five examples of documents reflecting MIT's investigation into any research misconduct by Caleb Harper or OpenAg, which it has withheld from production on grounds of privilege or relevance or confidentiality. After review, I will rule on this objection. The illustrative documents may be mailed or delivered to my attention in Courtroom 710 marked "Confidential - In Camera Review." Documents submitted on or before Nov. 3, 2023.  So Ordered.		 <a href="#">Image</a>
11/03/2023	Defendant Massachusetts Institute of Technology's Submission of Status Report Concerning Discovery and Response to Court Order Concerning in Camera Submission	33	 <a href="#">Image</a>
11/29/2023	Plaintiff Babak Babakinejad's Response to MIT's Status Report Concerning Discovery	34	 <a href="#">Image</a>
12/06/2023	ORDER: on MIT's Motion for a Protective Order MIT's motion for a protective order to avoid discovery of documents and information pertaining to MIT's investigation of research misconduct by Caleb Harper (plaintiff's former boss), is denied. Plaintiff is reminded that the protective order entered in this case restricts the disclosure and use of confidential information produced in this action. These restrictions are especially salient here because the research misconduct documents concern confidential employment information of persons who are not parties to this lawsuit.  So Ordered.  December 6, 2023  Which see 2 pages.	35	 <a href="#">Image</a>
12/11/2023	Attorney appearance On this date Richard N Perkins, Esq. added as Private Counsel for Defendant Massachusetts Institute of Technology		
12/11/2023	Attorney appearance electronically filed.		 <a href="#">Image</a>
12/14/2023	Docket Note: JUDGE RETAINED IN CAMERA REVIEW DOCUMENTS (entry changed from General Correspondence to "NOTE")		 <a href="#">Image</a>

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
01/08/2024	Attorney appearance On this date Alexandra G Lancey, Esq. dismissed/withdrawn as Private Counsel for Defendant Massachusetts Institute of Technology		 <a href="#">Image</a>
01/29/2024	Plaintiff Babak Babakinejad's Motion for Default Judgment (Mass. R. Civ. P. 55(b)(2)) & Motion to Compel Discovery With Request to Extend Tracking Order	36	 <a href="#">Image</a>
01/30/2024	Endorsement on Motion for Default Judgment (Mass. R. Civ. P. 55(b)(2)) & Motion to Compel Discovery With Request to Extend Tracking Order (#36.0): DENIED 1/30/24  This motion is denied because plaintiff has not complied with Sup. Ct. Rule 9A, which requires service on the other side prior to filing with court. Denial is without prejudice to refiling after compliance with Rule 9A.		 <a href="#">Image</a>
02/22/2024	Plaintiff Babak Babakinejad's Motion for default judgment ( Mass. R. Civ. P. 55(b)(2)) & Motion to compel discovery with request to extend tracking order	37	 <a href="#">Image</a>
02/22/2024	Massachusetts Institute of Technology's Memorandum in opposition to Babakinejad's Motion for default judgment ( Mass. R. Civ. P. 55(b)(2)) & Motion to compel discovery with request to extend tracking order	37.1	 <a href="#">Image</a>
02/22/2024	Affidavit of R. Nicholas Perkins in opposition to Babakinejad's Motion for default judgment ( Mass. R. Civ. P. 55(b)(2)) & Motion to compel discovery with request to extend tracking order	37.2	 <a href="#">Image</a>
02/22/2024	Reply/Sur-reply  Plaintiff's reply to defendant's opposition to Motion for default judgment ( Mass. R. Civ. P. 55(b)(2)) & Motion to compel discovery with request to extend tracking order	37.3	 <a href="#">Image</a>
02/22/2024	Plaintiff Babak Babakinejad's Certificate of service pursuant to Superior Court Rule 9A	37.4	 <a href="#">Image</a>

**Case Disposition**

<u>Disposition</u>	<u>Date</u>	<u>Case Judge</u>
Pending		