

MASSACHUSETTS SUPERIOR COURT

Pamela L. Owens, as Personal Representative of the Estate of
William A. Owens v. Crescent Hill Partners, LLC, and Raymond
Martin

Owens v. Crescent Hill Partners · No. 35; 41; 43 · Decided March 18, 2026

SUMMARY

The Massachusetts Superior Court addresses standing, motions to strike, and summary judgment in an estate representative’s claims concerning an alleged joint venture or partnership, contractual rights, unpaid wages, unjust enrichment, and G.L. c. 93A. The court finds that the plaintiff’s appointment as special personal representative cures any standing defect, strikes a declaration lacking competent foundation and containing hearsay, and denies a motion to strike an SEC Form ADV. Summary judgment is allowed on declaratory-relief, Wage Act, minimum-wage, and Chapter 93A claims, but denied on the alleged joint venture or partnership, contract, and unjust-enrichment claims.

CASE DETAILS

COURT	Massachusetts Superior Court
WRITING FOR THE COURT	Kenneth W. Salinger
JURISDICTION	Massachusetts Superior Court
DECIDED	March 18, 2026
DOCKET	35; 41; 43
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved for summary judgment on all claims, and both sides moved to strike portions of the summary judgment record. The Superior Court ruled on standing, the motions to strike, and the partial summary judgment motion.
STANDARD OF REVIEW	Summary judgment is appropriate when the undisputed material facts establish that a party is entitled to judgment as a matter of law; it is improper when a reasonable jury could return a verdict for the nonmoving party. On summary judgment, the court may not consider inadmissible evidence, including incompetent affidavits, hearsay, and inadmissible lay opinion.

PRECEDENTIAL VALUE	Published Massachusetts Superior Court opinion; no reporter citation appears in the source.
PARTIES	Pamela L. Owens, as Personal Representative of the Estate of William A. Owens v. Crescent Hill Partners, LLC, Raymond Martin

TOPICS

summary judgment standing subject matter jurisdiction evidence contracts

PRACTICE AREAS

civil procedure probate contracts employment law evidence commercial litigation

QUESTIONS PRESENTED

1. Whether Plaintiff had standing to prosecute the estate's claims after the Probate Court appointed her Special Personal Representative.
2. Whether the Victoria Reen declaration was competent and admissible evidence for purposes of summary judgment.
3. Whether the court could consider and take judicial notice of the SEC Form ADV submitted as exhibit 25.
4. Whether a reasonable jury could find that Owens and Martin, directly or through Crescent Hill Partners, formed a joint venture or partnership.
5. Whether Crescent Hill Partners, an LLC, could form a partnership or joint venture with Owens.
6. Whether Defendants were entitled to summary judgment on the contract, unjust-enrichment, declaratory-judgment, Wage Act, Minimum Wage Act, and G.L. c. 93A claims.

HOLDINGS

1. The Probate Court's appointment of Plaintiff as Special Personal Representative with authority to collect and manage estate assets cured any defect in her standing to prosecute the claims.
2. The Reen declaration could not be considered in support of summary judgment because it was not properly sworn, lacked a foundation establishing personal knowledge or competency, contained inadmissible hearsay, and included inadmissible lay opinions.
3. The court could take judicial notice of the March 2014 Form ADV filed with the SEC and consider it solely for purposes of deciding the summary judgment motion.
4. Summary judgment was not warranted on the joint venture, partnership, fiduciary-duty, or accounting claims because a reasonable jury could find that Owens and Martin, directly or through Crescent Hill Partners, agreed to form a joint venture or partnership and to share profits and losses.
5. Crescent Hill Partners, LLC could form a partnership or, by analogy, a joint venture with a natural person such as Owens.

6. Defendants were entitled to summary judgment on the Independent Contractor Agreement declaratory claim, the Wage Act claim, and the Minimum Wage Act claim because the undisputed evidence showed that CHP paid Owens the full \$75,168.33 he invoiced for 2020, and the alleged 1,600 hours produced an hourly rate well above the statutory minimum wage.
7. Defendants were not entitled to summary judgment on the unjust-enrichment claim because Plaintiff's testimony created a triable issue as to whether Defendants were unjustly enriched by Owens's payment of half the rent for CHP's office.
8. Plaintiff waived any opposition to summary judgment on the G.L. c. 93A claim by failing to present an argument against that aspect of Defendants' motion in her written opposition.

KEY QUOTATIONS

“A court may not grant summary judgment where, as here, “a reasonable jury could return a verdict for the nonmoving party.”” (at 6)

“The standards for determining whether parties formed a joint venture or a partnership are the same as well.” (at 7)

“A joint venture or a partnership is formed when the participants in a business enterprise intend to operate as joint venturers or partners who will share in all aspects of and responsibility for their shared business.” (at 7)

“A party that opposes a motion in the Superior Court must submit a memorandum “that includes a statement of reasons, with supporting authorities, that the motion should not be allowed.”” (at 9)

FACTUAL BACKGROUND

William A. Owens allegedly entered into a joint venture or partnership with Raymond Martin, directly or through Crescent Hill Partners, LLC, to provide financial planning and investment advice. Plaintiff alleged that Owens contributed talents and other assets, was entitled to a share of profits, and alternatively performed work as an employee or independent contractor. During 2020, Owens invoiced Crescent Hill Partners for \$75,168.33, which the company paid in full, and Plaintiff alleged that Owens also paid half of the company's office rent from his compensation. Plaintiff was appointed Special Personal Representative of Owens's estate during the litigation.

PROCEDURAL HISTORY

Plaintiff brought claims arising from the alleged business relationship between William A. Owens and Raymond Martin or Crescent Hill Partners, LLC, including joint venture or partnership, fiduciary-duty, accounting, contract, wage, minimum-wage, unjust-enrichment, declaratory-judgment, and G.L. c. 93A claims. Defendants moved for summary judgment, while the parties filed motions to strike evidence. During the litigation, the Probate Court appointed Plaintiff as Special Personal Representative with authority to collect and manage estate assets. The Superior Court found that appointment cured any standing defect, allowed summary judgment on counts II, VIII, IX, and X, denied summary judgment on the remaining claims, allowed Plaintiff's motion to strike the Reen declaration, and denied Defendants' motion concerning Form ADV exhibit 25.

DISPOSITION

CASES CITED

- *Ginther v. Comm'r of Ins.*, 427 Mass. 319, 322 & n.6 (1998)
- *Matter of Estate of Slavin*, 492 Mass. 551, 557-558 (2023)
- *Stanton Industries, Inc. v. Columbus Mills, Inc.*, 4 Mass. App. Ct. 793, 794 (1976) (rescript)
- *Bardige v. Performance Specialists, Inc.*, 74 Mass. App. Ct. 99, 103 (2009)
- *O'Brion, Russell & Co. v. LeMay*, 370 Mass. 243, 245 (1976)
- *Symmons v. O'Keefe*, 419 Mass. 288, 295 (1995)
- *Somers v. Converged Access, Inc.*, 454 Mass. 582, 597 (2009)
- *Borella v. Renfro*, 96 Mass. App. Ct. 617, 625 n.22 (2019)
- *Lord v. Rowse*, 195 Mass. 216 (1907)
- *Fisher v. Lint*, 69 Mass. App. Ct. 360, 368 n.11 (2007)
- *Sommer v. Maharaj*, 451 Mass. 615, 621 (2008)
- *Link v. Wabash R.R.*, 370 U.S. 626, 630-631 (1962)
- *Rental Property Mgmt. Svcs. v. Hatcher*, 479 Mass. 542, 556 (2018)
- *Commonwealth v. Greco*, 76 Mass. App. Ct. 296, 301 n.9, rev. denied, 457 Mass. 1106 and 458 Mass. 1105 (2010)
- *Schaer v. Brandeis Univ.*, 432 Mass. 474, 477 (2000)
- *Tilcon-Warren Quarries Inc. v. Commissioner of Revenue*, 392 Mass. 670, 671 n.4 (1984)
- *Marhefka v. Zoning Bd. of Appeals of Sutton*, 79 Mass. App. Ct. 515, 516 n.5 (2011)
- *Williams v. Caption Mgmt. LLC*, No. 24-CV-01018 (ALC), 2025 WL 896888, at *1 n.1 (S.D.N.Y. Mar. 24, 2025)
- *Securities and Exchange Comm'n v. Cutter Financial Group, LLC*, No. 23-cv-10589-DLC, 2023 WL 8653927, at *5 n.3 (D. Mass. Dec. 14, 2023)
- *In re Packaged Seafood Products Antitrust Litig.*, No. 15-MD-2670 DMS (MDD), 2022 WL 836951, at *4 n.13 (S.D. Cal. Mar. 21, 2022)
- *Fire & Police Pension Ass'n of Colorado v. Abiomed, Inc.*, 778 F.3d 228, 232 n.2 (1st Cir. 2015)
- *Rothman v. Gregor*, 220 F.3d 81, 88 (2d Cir. 2000)
- *Schmidt v. Skolas*, 770 F.3d 241, 249 (3d Cir. 2014)
- *Yates v. Municipal Mortg. & Equity, LLC*, 744 F.3d 874, 881 (4th Cir. 2014)
- *Basic Capital Mgmt., Inc. v. Dynex Capital, Inc.*, 976 F.3d 585, 589 (5th Cir. 2020)
- *Northstar Financial Advisors Inc. v. Schwab Investments*, 779 F.3d 1036, 1043 (9th Cir. 2015)
- *Bryant v. Avado Brands, Inc.*, 187 F.3d 1271, 1276-1277 (11th Cir. 1999)
- *In re Santa Fe Nat. Tobacco Co. Mktg. & Sales Pracs. & Prods. Liab. Litig.*, 288 F. Supp. 3d 1087, 1211 (D.N.M. 2017)
- *In re Am. Apparel, Inc. Shareholder Litig.*, 855 F. Supp. 2d 1043, 1064 (C.D. Cal. 2012)

- Dennis v. Kaskel, 79 Mass. App. Ct. 736, 741 (2011)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986)
- Doiron v. Castonguay, 401 Mass. 705, 707 & n.2 (1988)
- National Sch. Bus Serv., Inc. v. Comm'r of Dep't of Emp. & Training, 49 Mass. App. Ct. 445, 453 n.13 (2000)
- Gurry v. Cumberland Farms, Inc., 406 Mass. 615, 623-624 (1990)
- Shain Inv. Co., Inc. v. Cohen, 15 Mass. App. Ct. 4, 7-9 (1982)
- BPR Grp. Ltd. P'ship v. Bendetson, 453 Mass. 853, 861 (2009)
- Largo Realty, Inc. v. Purcell, 77 Mass. App. Ct. 162, 164 (2010)
- Cook v. Patient Edu, LLC, 465 Mass. 548, 553 n.11 (2013)
- Alliance, AFSME/SEUI, AFL-CIO v. Commonwealth, 425 Mass. 534, 537-539 (1997)
- Liakas v. Planning Bd. of Dracut, No. 18-P-1059, 2019 WL 1324748, at *1 (Mass. App. Ct. Mar. 25, 2019)
- Adiletto v. Brockton Cut Sole Corp., 322 Mass. 110, 112 (1947)
- Cary v. New England Organ Bank, 446 Mass. 270, 285 (2006)

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