

MASSACHUSETTS SUPREME JUDICIAL COURT

Mullane v. Barclays Bank Delaware

Mullane v. Barclays Bank Del., 481 Mass. 1042 (2019) · Decided February 26, 2019

SUMMARY

The Massachusetts Appeals Court affirmed the denial of Jonathan Mullane's petition for extraordinary relief from a judgment arising out of a small claims action against Barclays Bank Delaware. The court held that Mullane waived his right to a jury trial and appeal concerning his own FCBA claims by proceeding in the small claims session, and that he had not appealed the separate judgment on Barclays's counterclaim.

CASE DETAILS

COURT	Massachusetts Supreme Judicial Court
JURISDICTION	Massachusetts
DECIDED	February 26, 2019
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mullane appealed from the county court's denial, without a hearing, of his petition for relief from a District Court judgment entered in a small claims matter.
STANDARD OF REVIEW	The court reviewed the single justice's denial of relief for abuse of discretion or error of law.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Jonathan Mullane v. Barclays Bank Delaware

TOPICS

appellate procedure civil procedure appellate jurisdiction consumer protection writ of certiorari

PRACTICE AREAS

civil procedure appellate procedure consumer protection

QUESTIONS PRESENTED

1. Whether a plaintiff who chose the small claims procedure waived the right to appeal an adverse judgment on the plaintiff's own claims and to obtain a jury trial of six.

2. Whether Mullane was entitled to extraordinary relief under the court's general superintendence power after the District Court dismissed his claim of appeal.
3. Whether a plaintiff may appeal a small claims judgment on a defendant's counterclaim when the claim of appeal actually challenges the judgment on the plaintiff's own claims.

HOLDINGS

1. A plaintiff who chooses to proceed in the small claims session waives the right to a jury trial and the right to appeal an adverse judgment on the plaintiff's own claims.
2. A plaintiff in a small claims matter may appeal an adverse ruling on a defendant's counterclaim, but Mullane was not entitled to that right because his claim of appeal did not address the counterclaim.
3. Extraordinary relief was not warranted, and the single justice did not abuse his discretion or commit an error of law in denying Mullane's petition.

KEY QUOTATIONS

"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." (1042)

"Having chosen to assert those claims in the small claims session, Mullane waived his right to a jury trial and was not entitled to appeal after the clerk-magistrate found against him." (1043)

FACTUAL BACKGROUND

Mullane filed a small claims action alleging that Barclays violated the Federal Fair Credit Billing Act and other laws in handling a disputed credit-card transaction. Barclays counterclaimed for the outstanding balance, and neither party requested transfer to the regular civil docket. After the clerk-magistrate ruled for Barclays, Mullane sought a jury trial of six, but his appeal addressed his own FCBA claims rather than Barclays's counterclaim.

PROCEDURAL HISTORY

Mullane brought small claims allegations against Barclays under the Federal Fair Credit Billing Act and other laws, and Barclays counterclaimed for the credit-card balance. After a clerk-magistrate ruled for Barclays on both the claims and counterclaims, Mullane claimed an appeal seeking a jury trial of six. A District Court judge dismissed the appeal because it repeated the claims asserted in Mullane's case-in-chief and denied reconsideration. The county court single justice denied extraordinary relief, and the Supreme Judicial Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Matter of an Application for a Criminal Complaint, 477 Mass. 1010, 1010, 75 N.E.3d 1110 (2017)

- Marides v. Rossi, 446 Mass. 1007, 1007, 844 N.E.2d 611 (2006)
- Zullo v. Culik Law P.C., 467 Mass. 1009, 1009, 5 N.E.3d 1203 (2014)
- Stevenson v. Mackey, 450 Mass. 1014, 1015, 877 N.E.2d 936 (2007)
- Bischof v. Kern, 33 Mass. App. Ct. 45, 47, 595 N.E.2d 802 (1992)
- Daum v. Delta Airlines, Inc., 396 Mass. 1013, 1014, 487 N.E.2d 853 (1986)
- D.R. Peck Excavating, Inc. v. Machado, 481 Mass. 1033, 1034, 116 N.E.3d 13 (2019)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/massachusetts-massachusetts-supreme-judicial-court/2019/mullane-v-barclays-bank-delaware-mzyjm334>