

COMMONWEALTH OF MASSACHUSETTS  
Trial Court

Division

Probate & Family Court

Docket No:

\_\_\_\_\_  
Plaintiff )

vs. )

\_\_\_\_\_  
Defendant )

Defendant's Pre-Trial  
Conference Memorandum

Now comes, \_\_\_\_\_, the Defendant, by and through his attorney and hereby files his pretrial memorandum.

The issue of this case is how to divide the marital estate and value the business, \_\_\_\_\_. Husband is seeking that parties divide all marital assets and marital debt equally.

Procedural Background

\_\_\_\_\_ (hereinafter referred to as "husband") and \_\_\_\_\_ (hereinafter referred to as "wife") were married in \_\_\_\_\_, \_\_\_\_\_ on or about \_\_\_\_\_. Husband is presently residing at \_\_\_\_\_, MA. There is (are) \_\_\_\_\_ minor child(ren) of the marriage.

Wife files a complaint for divorce on or about \_\_\_\_\_. There are current temporary orders in place as of \_\_\_\_\_. There has been a four way meeting \_\_\_\_\_, 2006.

Discovery

Defendant reserves the right to file discovery at a later time.

1. Uncontested facts
  - a. The parties were married in \_\_\_\_\_
  - b. The parties last lived together on or about \_\_\_\_\_, 2006
  - c. There is (are) \_\_\_\_\_ minor child(ren) of this marriage
2. Contested Issue
  - a. The division of the marital estate
  - b. Value of the business, \_\_\_\_\_. And how to proceed with the business.
3. Financial Statement
  - a. The husband (wife) will provide an updated financial statement
4. Potential Witnesses to be called by Husband
  - a. The witnesses include the respective parties. Husband reserves the right to call additional witnesses
5. Exhibits to be introduced by the Husband
  - a. At this time, the marriage certificate, business records, tax records and respective financial statements of the parties. Husband (wife) reserves the right to introduce additional exhibits.
6. Estimate of Trial
  - a. One Day

7. Chapter 208.S.34 – Offer of Proof
- a. Length of marriage. The parties have been married for \_\_\_\_ years. Of that time, the parties lived together for \_\_\_\_ years.
  - b. Conduct of the Parties during the Marriage. Both parties generally conducted themselves properly during the marriage and before the separation. Husband provided for the children and Wife. Both parties' conduct was proper.
  - c. Age. Husband is \_\_\_\_ years old. Wife is \_\_\_\_ years old.
  - d. Health. Both parties are believed to be in good health.
  - e. Station. The parties are working middle class station.
  - f. Occupation. Husband is a \_\_\_\_\_. Wife is a \_\_\_\_\_.
  - g. Amount of Sources of Income. Husband's amount and source of income are listed in his financial statement.
  - h. Vocational skills and employability. Husband's employment skills are related to his present employment.
  - i. Estate. The Husband's estate is listed in his financial statement.
  - j. Liabilities and needs. The Husband's needs and liabilities are stated in this financial statement.
  - k. Future Acquisition of capital Assets and Income. Both parties have a low or moderate expectation of future acquisition of capital assets and income.
  - l. Contribution of the Parties in Acquisition, Preservation and Appreciation of their respective property. Husband contributed significantly as he was the party who worked and provided for the family.
  - m. Contribution of the Parties as a Homemaker to the family. Husband had many of the responsibilities regarding the children and as a homemaker. He spent quality time with the children. Husband completed many of the homemaking duties after he returned from work and on weekends.

Respectfully submitted  
for:  
By his attorney,

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