

No. SJ-2018-0154

IN THE SUPREME COURT OF MASSACHUSETTS

Thomas Oliver,
Petitioner,

v.

Kevan J. Cunningham, Danille M LaVoie, Claudia M. Abreau of the Taunton District Court,
Kathryn E. Hand, Kevin J. Finnerty of the Appellate Division of the District Court,
Ariane D. Vuono, Mary T. Sullivan, Gregory I. Massing of the Appellate Court, et al.,
Respondents

Originating case in the Taunton District Court
No. 0531CV001158

PETITION FOR INTERLOCUTORY RELIEF

Thomas Oliver
[address and phone redacted]

February 20, 2018

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STATEMENT OF ISSUES PRESENTED

1. The respondents have violated Massachusetts rules of civil procedure.
2. The respondents have violated Massachusetts statutory law.
3. The respondents have violated the civil rights of the petitioner.
4. The respondents have violated the U.S. Constitution.

JURISDICTION

The jurisdiction of this court is invoked under M.G.L. ch. 211, § 3.

STATEMENT OF THE CASE

1. A legitimate civil case was commenced by the petitioner, Thomas Oliver, in the Taunton District Court in December of 2005. This case has been recorded in the court docket as case No. 0531CV001158 (hereinafter, "the case").
2. Respondents have allowed Defendant's answer in the case to be filed well beyond the twenty (20) day requirement of Mass.R.Civ.P. 12(a)(1) and, in doing so, have violated such rule of procedure. To wit, Defendant's answer was filed nearly nine (9) years late.
3. Respondents have allowed Defendant's fraudulent permissive counterclaim in the case to be filed well beyond the twenty (20) day requirement of Mass.R.Civ.P. 12(a)(1) and, in doing so, have

violated such rule of procedure. To wit, Defendant's counterclaim was also filed nearly nine (9) years late.

5. Respondents have ***flagrantly and repeatedly*** violated rules of procedure, statutory law, and the U.S. Constitution.

6. Respondents have ***flagrantly and repeatedly*** ignored facts in the case.

7. Respondents have ***flagrantly and repeatedly*** allowed crimes, most of them felonies, to be committed in the case by Joseph L. Michaud, defense counsel, (hereinafter, "Michaud") and others and have thus committed misprision of a felony by refusing to take corrective/punitive action.

LEGAL DISCUSSION

This petition is being submitted because the state has abolished a remedy formerly available to the petitioner, the writ of *mandamus*, under Mass.R.Civ.P. 81 (b). The petitioner also filed a complaint against Kevan J. Cunningham with the Massachusetts Commission on Judicial Conduct (CJC) on July 14, 2015 (see appendix A). As with all complaints filed with the CJC and Office of Bar Counsel (OBC) by persons of little political power, the complaint was summarily dismissed without investigation shortly thereafter. He also filed a complaint against Michaud with the OBC on January 30, 2015.

In fact, of the six (6) or seven (7) complaints filed by the petitioner in two different states against both transgressing attorneys and corrupt judges, exactly zero have been meaningfully addressed by organizations in either state, despite the offenders having violated a cumulative total of more than thirty (30) rules and canons. With the "fox effectively in charge of the hen house" regarding most of these governing organizations which are composed primarily of lawyers and judges nationwide, the average non-politically connected litigant has hardly a prayer in just and rightful disposition of such complaints. In fact, a paltry 2 percent result in disciplinary action.¹

Since the appellate court, like all the lower courts, refuses to look at the facts in the case and continues to ignore rules of procedure, law, and the U.S. Constitution, the only form of redress at the state level to correct egregious behavior is a petition to the Supreme Judicial Court of Massachusetts. The petitioner has already filed complaints with the Federal Bureau of Investigation (FBI) against the

¹ Naheedy and Scott, *Stack the Legal Odds in Your Favor: Understand America's Corrupt Judicial System—Protect Yourself Now and Boost Chances of Winning Cases Later* (Smart Play Publishing, 2016), 16.

respondents (and others) for acting under the color of law in flagrant violation of 18 U.S. Code § 242 and for other reasons.

Regarding case management, the district court has not been straightforward with its duties. Email correspondence from the district court on September 8, 2014, confirms a default judgment in favor of the petitioner being vacated.

“Tom,
Please be advised that, after further review and consultation with the Clerk Magistrate, the judgement [sic] that issued has been vacated and will be scheduled for a motion hearing on 10/29/2014 @ 10:00 AM. You, or an Attorney on your behalf, will need to be present.”

The convoluted court record, however, shows that on September 15, 2014, the judgment was vacated as “issued in error” (see appendix B). The reason for this entry is that Michaud called the court crying because he messed up by not filing a timely answer and counterclaim, and it was vacated as a favor to him over the phone. Petitioner has provided ample proof of this. One piece of indisputable evidence is the email he received from the court **on September 8, 2014, saying the judgment was vacated** (See exhibit I in appendix of Petitioner’s brief to the appellate court). However, the court first officially mentions its “error” (really a non-existent error) on the docket on **September 15, 2014, coincidentally several days AFTER Michaud filed his motion to vacate judgment on September 9, 2014—which was a day LATER than the email received from the court—and PRIOR to any hearing for the motion!** Although there is no entry on the docket for such motion being heard on October 29, 2014, there is a paradoxical ruling by Kevan J. Cunningham on November 09, 2014, allowing the motion to vacate an already vacated judgment, for at least the third time, maybe to ensure it wouldn’t somehow unvacate itself.

On September 10, 2014, petitioner received an additional email from the court clerk:

“Based upon our file, your motion for default judgement [sic] must be heard and allowed by a Judge. Therefore, since the judgement [sic] was entered in error it has been vacated. The Defendant has also filed a Motion to Dismiss, Motion to Vacate Default Judgement [sic], and Opposition to Plaintiff’s Motion for Default Judgement [sic]. All 4 motions will be heard at the same time on **10-29-14.**”

The implication of any error in entry is incorrect since civil procedure rule 55(b)(1) clearly states:

“(b) Judgment. Judgment by default may be entered as follows:

(1) By the Clerk. When the plaintiff’s claim against a defendant is for a sum certain or for a sum which can by computation be made certain, the clerk upon request of the plaintiff and upon affidavit of the amount due and affidavit that the defendant is not an infant or incompetent person or an incapacitated person as defined in G.L. c.190B, shall enter judgment for that amount and costs against the defendant, if he has been defaulted for failure to appear.”

The motion for default judgment was filed under this rule. Although the district court had stated in the above email that the default entry was in error, **it was not**. All requirements of the case were met perfectly according to rule 55(a) and (b)(1). Now, if rules 55(c), 60(a), and 60(b) are all studied carefully, it can be seen that the only way an error-free default judgment can be vacated is by motion under 60(b). The emails by court personnel and the confusing court record are all likely part of a smokescreen to cover up a call by Michaud to the court on or about September 8, 2014, in order to get the judgment orally and illegally vacated. **This is nothing less than conspiracy to commit fraud**. At a time beginning shortly thereafter, the court then tried to cover its tracks with multiple docket entries to conceal the political favor.

Besides the evidence provided on page three of this petition, the petitioner knows this call was made because a package from Michaud was delivered by U.S. mail not long after September 8, 2014, to the mailing address the petitioner gave to the clerk by email on August 28, 2014. The only way Michaud could have possibly known of this address is via contact with the court since this is not the residential address of the petitioner. It may not be against court rules of procedure to contrive the court record and perform political favors or against rules of professional conduct for a lawyer to ask for them, **but it certainly violates the petitioner's right of due process under the Fourteenth Amendment**.

The high court has ruled in *Commonwealth v. Bertini* "We therefore allow interlocutory review under G.L. c. 211, § 3, only where 'there are substantial claims alleging violation of the appellant's substantive rights,' and the error complained of is 'irremediable so that an order for a new trial in the normal process of appeal will not put the defendant in statu quo'" quoting *Beckman v. Commonwealth* (emphasis added). Obviously, violating court rules of procedure and statutory law rise to the level of, if not eclipse, "violation of the appellant's substantive rights." Denying the petitioner's rights of due process under the Fourteenth Amendment and possibly denying other civil rights as well in the case likewise and **quite easily exceed this standard**.

Defendant filed a (fraudulent) answer and counterclaim in the case nearly nine years late. This was done in violation of Civil Procedure Rule 12(a)(1). **The court has not only refused to take remedial action, it has chosen to ignore this fact**.

Michaud has committed at least three state felonies in this case: obstruction of justice, in violation of General Law Chapter 268 § 13B(1); perjury, in violation of General Law Chapter 268 § 1; and conspiracy to commit fraud and has violated 18 U.S. Code § 241 and § 1623(a). These acts have all

been clearly elaborated in Petitioner's brief to the appellate court (See pages 27 to 39). ***The court has not only refused to take remedial action, it has chosen to ignore the existence of these crimes.***

Petitioner was denied a jury trial, a right provided under the U.S. Constitution. He has repeatedly stated this fact (See pages 93 and 94 and exhibit E2 in appendix of Petitioner's brief to the appellate court). Since the court gave no indication to either party who contacted it prior to trial that it would not reschedule the trial, Petitioner did not expect a judgment to issue. What was expected is some form of communication from the court indicating a new trial date. By not allowing a continuance with good cause, Civil Procedure Rule 40(b) has been violated. ***The court has not only refused to take remedial action, it has chosen to ignore this fact.***

The court has on many occasions failed to notify Petitioner of court events and rulings according to Civil Procedure Rule 77(d), such as the above judgment being issued on November 3, 2015. Furthermore, the court has instructed Petitioner not to contact it. This is an egregious violation of his right to due process under the Fourteenth Amendment to the U.S. Constitution (See exhibit E in appendix of Petitioner's brief to the appellate court). ***The court has not only refused to take remedial action, it has chosen to ignore these facts.***

Appellate Procedure Rule 4(a) states that a notice of appeal sent to the appellate division will be deemed filed with the trial court on the date the appellate division receives it. The appellate court conveniently leaves out in its rescript that Petitioner filed his notice with the appellate division in December of 2015, not January of 2016. ***The court has chosen to ignore this fact.***

Massachusetts General Law Chapter 276 § 100A(6) clearly states that sealed records will not be used except during future sentencing. Kevan J. Cunningham has disregarded this criminal law and allowed Defendant to reference sealed information ***completely unrelated*** to the case. In doing so, he has violated 18 U.S. Code § 242. ***The court has not only refused to take remedial action, it has chosen to ignore this fact.***

Because many judges have ruled in the case without regard to rules of procedure, statutory law, or the U.S. Constitution, Judicial Canon 1, Rule 1.1; Canon 2, Rule 2.4 (A); Canon 2, Rule 2.4 (B); and Canon 2, Rule 2.9 A(3)(a) have been violated. ***The court has not only refused to take remedial action, it has chosen to ignore this fact.***

Since judges have decided not to investigate the criminal acts of Michaud and court officials involved in the case, those judges have committed misprision of a felony according to 18 U.S. Code § 4. ***The court has not only refused to take remedial action, it has chosen to ignore this fact.***

The court record was manipulated to show that the original default judgment was vacated **after** the motion to vacate was filed by the defendant, and the entry of November 9, 2014, further attempts to hide this crime and the conspiracy behind it. As such, 18 U.S. Code § 1506 has been violated. **The court has not only refused to take remedial action, it has chosen to ignore this fact.**

This court must know that other courts have ruled that a litigant cannot benefit by his own misdeeds or illegal acts. “[Equitable estoppel] is wholly independent of the limitations period itself and takes its life from the equitable principle that no man [may] profit from his own wrongdoing in a court of justice.’ (*Battuello*, supra, 64 Cal.App.4th 842, 847-848, 75 Cal.Rptr.2d 548, quoting *Bomba v. W.L. Belvidere, Inc.* (7th Cir.1978) 579 F.2d 1067, 1070.)” (Emphasis strongly added.) See *Lantzy v. Centex Homes*, 73 P. 3d 517 (2003) Cal Supreme Court and many others. **Michaud has profited several times from his own wrongdoing and criminal acts.**

CONCLUSION

To summarize, the courts have effectively wrapped dozens of errors and criminal acts inside an outer shell composed of the notion of an “untimely” notice for the filing of the original appeal. They are all effectively saying, “We’re going to ignore every single fact you are presenting and continue to hide all the crimes that have been committed because we’re not going to let you get through the tough outer shell even though there is ample case law that you’ve provided allowing for it—simply because we choose to do this.” The courts have been biased with their rulings because Petitioner has justifiably filed complaints with the CJC, BBO, FBI, DoJ, and many other organizations. The courts’ message is basically, “Let’s **break** the rules to lock Petitioner out of the house, and then once he’s locked out, **follow** the rules so that he can’t get back in, and if that doesn’t work, **break** the rules to ensure it doesn’t happen.” This is disturbing. The only reason Petitioner is not winning the case is because the system doesn’t **want** him to win; it has nothing to do with logic, law, or justice.

The case all boils down to Petitioner doing a significant amount of off-site consulting work, and then not only does Defendant refuse to pay, but the court illegally rips \$11,271.53 out of Petitioner’s hands while allowing several people to commit multiple crimes. Add to this, Defendant puts Petitioner’s company, BR Enterprises, out of business, and then for stealing at least \$5,000 from him through a suspended attorney, what does the legal system do about all of this? It “rewards” Petitioner by saying he needs to pay Defendant \$32,913.30, which just by chance happens to be very close to the original amount of Petitioner’s claim. **This is 100% completely outrageous!** No judge in any court has

yet to lift a toxic finger to remedy the extreme injustices in the case, which could very well be the poster child/case for the grossest miscarriage of justice in that state this century. The petitioner requests this high court to mandate that the respondents remedy their violation of court rules of procedure and statutory law and that this court hears the case on its true merits. The petitioner demands the high court ***investigate the misdeeds and criminal acts of Michaud and others involved and punish them accordingly!***

Someone has to finally step forward, take responsibility, and uphold justice, regardless if it implicates personnel in lower courts or anyone else for that matter. In a best-case scenario ***to uphold justice***, this court will vacate the current fraudulent judgment and reinstate the original correct judgment. In a worst-case scenario ***to uphold justice***, Petitioner will be allowed a jury trial (preferably in a non-corrupt court, if one exists in that state) at the very least. **Remember that judges are paid to do a job based on rules and law, not to render decisions that ignore facts just to protect their friends, colleagues, or others!!!** From the foregoing facts, it is clear the respondents have violated the rules of procedure, statutory law, the civil rights of Petitioner, and the U.S. Constitution as enumerated in the STATEMENT OF ISSUES PRESENTED, and the high court, therefore, should absolutely grant this petition for interlocutory relief.

If this court doesn't take action to address ignored facts, serve justice, and punish criminals, then which one will?



Date: February 20, 2018

Thomas Oliver, *pro se*

"Who will govern the governors? There is only one force in the nation that can be depended upon to keep the government pure and the governors honest, and that is the people themselves. They alone, if well informed, are capable of preventing the corruption of power, and of restoring the nation to its rightful course if it should go astray. They alone are the safest depository of the ultimate powers of government." - **Thomas Jefferson**

APPENDIX A

Print Form



COMMONWEALTH OF MASSACHUSETTS
COMMISSION ON JUDICIAL CONDUCT
11 BEACON STREET, SUITE 525
BOSTON, MASSACHUSETTS 02108-3006
Phone: (617) 725-8050
Fax: (617) 248-9938

COMPLAINT FORM

CJC Complaint Number: []

This form is designed to provide the Commission with information necessary to determine whether your complaint falls within the Commission's jurisdiction, pursuant to M.G.L. Chapter 211C, and whether an investigation or further action should be taken. Please review the Code of Judicial Conduct (SJC Rule 3:09) and the rules of the Commission, both of which are available on the Commission's website at www.mass.gov/cjc, before filling out this form. ONLY ONE JUDGE MAY BE COMPLAINED OF ON EACH FORM.

PLEASE TYPE OR PRINT CLEARLY ALL INFORMATION

Your name: Thomas Oliver

Your address: 20 Elaine Way, Acushnet, MA 02743 (mailing)

Daytime telephone number: 401-835-3035

Name of judge: Kevan Cunningham

Court: Taunton District Court

Case name: Thomas Oliver DBA BR Enterprises v. Alyssa Parent DBA Sun Days Tanning Etc

Docket number: 0531CV001158

Attorney(s) involved: Smith Lee Nebenzahl LLP and Joseph Michaud

Date(s) of misconduct: From about October 29, 2014 to present.

Has an appeal been filed? Not yet, case still pending

Please summarize the general nature of your complaint:
The judge is not following statutory law and court rules of procedure and, therefore, is violating my civil rights.

Specific Facts: Please describe exactly what the judge did that you believe constitutes judicial misconduct or evidence of disability, and on what date(s). YOUR COMPLAINT WILL BE SCREENED ON THE BASIS OF THIS FORM ONLY. DO NOT RELY UPON ATTACHMENTS TO MAKE YOUR ALLEGATIONS. (You may attach copies of any documents which support your allegations, for the purposes of the investigation. Please delete anyone's personal identifying information, such as social security number, bank account information, or credit card information.)

NARRATIVE

This complaint is in response to the actions of corrupt judge, Kevan Cunningham, of the Taunton District Court. How can someone who is a conspirator to racketeering and mail fraud somehow manage to escape indictment, trial, and prison time and, even more amazingly, remain on the bench? Is he that strongly politically connected?? If so, I expect this complaint will go nowhere, except get filed under 'G', but I do not recommend this.

I have been a victim of corruption in MA courts almost too many times to count now. That state has cost me over 1000 hours of my time, well over \$100,000, and a significant amount of emotional distress, and I'm sick of it. Do any judges in that state follow court rules of procedure? Do any of them follow statutory law? Do any of them abide by the U.S. Constitution, or do they all merely use it now as a doormat? Is there anyone in the CJC who is a true patriot and will stand firm with the Framers' beliefs and put a stop to all this, or is the commission just another monitoring group where the fox is, once again, in charge of the henhouse as it is with the BBO/OBC??

Specifically, regarding Mr. Cunningham, he has repeatedly ignored court rules and statutory law in my civil case, 0531CV001158, in the Taunton court. He has allowed an answer by the defendant to be filed not within the 20 days as required by Civil Procedure Rule 12(a)(1), but 9 years later! He also allowed a ridiculous permissive counterclaim to be filed well beyond the requirement of 20 days as mandated by Civil Procedure Rules 12(a)(1) and 13(b). Additionally, he has flagrantly violated M.G.L. ch. 276 § 100A by improperly allowing an unrelated, sealed record into evidence.

As plaintiff, I have meticulously followed every law, every rule to the letter and have been penalized as a result. To the contrary, the defendant has broken rules and law and has been rewarded for it. Cumulatively, Cunningham's violations have turned a legitimate claim for \$30,000+ in damages by me into an illegitimate claim for \$15,000 in damages by the defendant—an unbelievable \$45,000 turnaround, and which further adds insult to injury by pushing the aforementioned time and costs to me significantly higher because of additional malfeasances of the state.

The fact of the matter is that there is a strong affinity between the judiciary in MA and ancient Rome under Gaius Julius Caesar Germanicus, also known as Caligula. He would write laws in such small print and then post them so high above the ground that none of the Roman citizenry could read them. Then, when laws were broken, he took great pride in trapping and prosecuting his unwitting quarry. He certainly had the winning formula, unmatched by any government, until the MA judiciary came along and took it a step further.

Not only does the exorbitant number of laws make the prevention of breaking some of them a near impossibility, but because of highly selective enforcement, our system gives the illusion that some unlawful acts are legal. This is particularly true when criminal law does not reflect the prevailing moral code or intuition and is not limited to conduct that is inherently malicious—certainly conditions under which the conduct itself might alert a potential offender that the law may be being violated. I have had to go to great lengths to finally clear my name in that state, which should have never been tarnished in the first place, and which was smeared as a direct result of the state's improprieties of not following its own statute nor abiding by the U.S. Constitution.

So, what we are left with is a state that writes laws which are obscure and difficult, if not impossible, to be cognizant of, selectively enforces them, expects ordinary citizens to follow them despite this trickery, and then will punish these citizens for breaking them; but for judges and others who have written and know full well the rules and laws, they are allowed to break them and treat them as mere recommendations, and additionally, further violate them while punishing the public for breaking them. This is completely WRONG AND MUST BE STOPPED! Something must be done to reign in these rogue judges-of which there are far too many to count in that state.

What I am demanding in this complaint is simply to have the state finally start following its own rules and laws beginning with Mr. Cunningham in my own civil case. Following the U.S. Constitution would also be a nice addition. In fact, I would not be composing this complaint right now if it had been followed over a dozen years ago. If Mr. Cunningham fails compliance, then the demand is to have him removed from the bench before my case is tried in his corrupt court just over two months from now, after which there will be no simple redress for me because of his inappropriate actions. Note that removal will benefit both me and other future victims of his inappropriate and illicit actions. Time is of the essence to act.

CANONS VIOLATED

Canon 2: A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All of the Judge's Activities

(A)"A judge shall respect and comply with the law..." [where 'law' "denotes court rules as well as statutes, constitutional provisions, and decisional law"]. By violating, at a minimum in my case, Civil Procedure Rules 12(a)(1) and 13(b) and M.G.L. ch. 276 §100A as explained in the narrative above, he has clearly violated this canon.

(B)"A judge shall not allow family, social, political, or other relationships to influence the judge's judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge. A judge shall not testify voluntarily as a character witness in an adjudicatory proceeding." By his own admission in United States v. John J. O'Brien et al, CR 12-40026-WGY (see

<https://www.bostonglobe.com/metro/2014/07/09/the-facts-get-muddy-moakley-courthouse/GTWtynSAKcW90xSvVeWeeYO/story.html#>)

where he states "I would not characterize it as a lie....I knew Joe Dooley already had the position...[I] probably [down-scored Sylvia]." it is unquestionably clear that he has violated this canon by promoting someone into a job position for which he felt there were other more qualified candidates—and did so purely for political reasons.

Canon 3: A Judge Shall Perform the Duties of Judicial Office Impartially and Diligently

(B)(2) "A judge shall be faithful to the law" and maintain professional competence in it. A judge shall not be swayed by partisan interests, public clamor, or fear of criticism." For the reasons stated in the U.S. case referenced above, he has additionally violated this canon.

(B)(7)(c)(i)"a judge shall take all reasonable steps to avoid receiving from court personnel" or other judges factual information concerning a case that is not part of the case record". By completely ignoring statutory law, M.G.L. ch. 276 § 100A, as mentioned in the narrative he has allowed the defendant's attorney to introduce fabricated, unrelated, and damaging information into the civil matter.

"one humanity, one justice" - Mark Knopfler of Dire Straits, stated during the concert celebrating Nelson Mandela's 70th birthday at Wembley Stadium 1988

I understand that this complaint and any other communication to or from the Commission on Judicial Conduct must remain confidential to the extent required by M.G.L. Chapter 211C, Section 6, and Commission Rule 5. I also understand that this complaint and any attachments I send to the Commission become the property of the Commission and will not be returned to me.

Signed: 

Date: July 14, 2015

Please mail completed form to:

Executive Director
Commission on Judicial Conduct
11 Beacon Street, Suite 525
Boston, MA 02108-3006

APPENDIX B

**Massachusetts Trial Court
Electronic Case Access**



Home Search Search Results

07/27/2007	Parties jointly request that case be continued while payment is being made.
07/27/2007	Case Inactivated: No future events scheduled.
12/03/2010	This Case Converted from Civil BasCOT application.
08/01/2014	Application to clerk-magistrate for default judgment against Alyssa Parent D/B/A Sun Days Tanning Etc. who has been defaulted for failure by Thomas S Oliver, Jr. (Mass.R.Civ.P.55(b)(1) & 77(b)).
08/01/2014	Memorandum filed by Thomas S Oliver, Jr..
08/01/2014	Event Scheduled Event: Motion Hearing (CV) Date: 09/24/2014 Time: 10:00 AM Result: Brought Forward
08/01/2014	NO 55A REQUEST FOR DEFAULT FILED
08/27/2014	Judgment Entered: Judgment for the Plaintiff , after default Cunningham, Hon. Kevan J Judgment For: Oliver, Jr., Thomas S Judgment Against: Alyssa Parent D/B/A Sun Days Tanning Etc. Terms of Judgment: Interest Begins: 12/23/2005 Jdgmnt Date: 08/27/2014 Interest Rate: .12 Daily Interest Rate: .000329 Damages: Damage Amt: 5393.43 Filing Fees: 195.00 Costs Pd to Court: 5.00 Other Costs: 54.90 Judgment Total: 11,271.53
09/09/2014	Motion to dismiss (Mass.R.Civ.P. 12[b]) ; to vacate judgement filed by Alyssa Parent D/B/A Sun Days Tanning Etc..
09/09/2014	Opposition filed by Alyssa Parent D/B/A Sun Days Tanning Etc. to Motion for Default Judgement that was filed on 07/31/2014.
09/15/2014	Event Scheduled Event: Motion Hearing (CV) Date: 10/29/2014 Time: 10:00 AM Result: All Parties Failed to Appear, Event Not Held
09/15/2014	Judgment entered on 08/27/2014 vacated; issued in error; parties notified.
09/22/2014	Motion to Withdraw filed by Thomas S Oliver, Jr..
10/03/2014	Motion to file counterclaim (Mass.R.Civ.P. 13) ; to file late answer filed by Alyssa Parent D/B/A Sun Days Tanning Etc..
10/03/2014	Answer filed by Alyssa Parent D/B/A Sun Days Tanning Etc..
10/03/2014	Counterclaim filed by Alyssa Parent D/B/A Sun Days Tanning Etc. against Thomas S Oliver, Jr. (Mass.R.Civ.P. 13).
10/29/2014	Motion to file late answer and counterclaim allowed Hon. Kevan J Cunningham
10/29/2014	Motion to withdraw allowed Hon. Kevan J Cunningham
10/29/2014	Filed On this date Leonard A Eskenas, Esq. dismissed/withdrawn as Private Counsel for Plaintiff Thomas S Oliver, Jr.
10/29/2014	Filed On this date Emily E. Smith-Lee, Esq. added as Private Counsel for Plaintiff Thomas S Oliver, Jr.
11/09/2014	Motion to Vacate Default Judgement allowed Hon. Kevan J Cunningham
12/04/2014	Motion for Special Motion to Dismiss filed by Thomas S Oliver, Jr..
12/11/2014	Motion to assess damages (Mass.R.Civ.P. 55[b][4]), for default and default judgment(Mass.R.Civ.P. 55) filed by Alyssa Parent D/B/A Sun Etc..

APPENDIX C
SUMMARY OF RULES, LAWS, AND RIGHTS VIOLATED

In favor of Defendant (21):

Civil Procedure Rule 12(a)(1)

Civil Procedure Rule 40(b)

Civil Procedure Rule 55(c)

Civil Procedure Rule 60(a)

Civil Procedure Rule 60(b)

Civil Procedure Rule 77(d)

Appellate Procedure Rule 4(a)

Canon 1, Rule 1.1

Canon 2, Rule 2.4 (A)

Canon 2, Rule 2.4 (B)

Canon 2, Rule 2.9 A(3)(a)

General Law Chapter 268 § 1

General Law Chapter 276 § 100A(6)

General Law Chapter 268 § 13B(1)

Fourteenth Amendment to the U.S. Constitution

18 U.S. Code § 4

18 U.S. Code § 241

18 U.S. Code § 242

18 U.S. Code § 1506

18 U.S. Code § 1623(a)

Conspiracy to commit fraud

in favor of Petitioner (0):

If the above do not reveal how ridiculously lopsided the case is, nothing will.