

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS.

SUPERIOR COURT

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JESSE E. TORRES III	)	
JENNIFER J. ADAMS	)	
Plaintiffs	)	
vs.	)	Civil Docket # BACV2011-00433
SOPHIE J. TORRES	)	
JESSE E. TORRES IV	)	
DEBTMERICA, LLC.	)	
DONALD F. TORRES	)	
Defendants	)	

**PLAINTIFFS' MOTION FOR RECONSIDERATION  
OF PLAINTIFF'S EMERGENCY MOTION TO SERVE THE DEFENDANTS  
ELECTRONICALLY**

**NOW COMES THE PLAINTIFFS** in the above entitled action and moves under Massachusetts Superior Court Rule 9D that the Court reconsider the way in which pleadings between the Plaintiffs and Defendants are made. Its current Order, if followed, would put the safety, security and very lives of the Plaintiffs at risk.

It is beyond the power of the Court to knowingly place the lives of the Plaintiffs at risk. While obviously unintentional by the Court, it is the consequence of denying of the *“Plaintiffs’ emergency motion to serve the defendants electronically in the same manner and conditions as used by the Massachusetts Court of Appeals for motions, or as they are better known, emotions”*, and order that the Plaintiffs disclose their address to the Defendants' Attorneys.

Our Verified Memorandum of Facts, in support of this motion, is argued as if specifically stated herein. In summary, that Memorandum sets forth among other facts, that the Plaintiff Torres, after having his and Plaintiff Adams' lives threatened, became an

informant to the California DEA on the Drug Smuggling and Distribution Operation of James Kimberly Torres who was known to have been operating with others in Mexico and the United States. He/they were under investigation by the California DEA and State Police Criminal Division. As the specific crimes included drug smuggling from Mexico into the United States, Mexican Drug Enforcement Agencies were also involved.

Specific to the death threats against the Plaintiffs, and their knowledge of the drug smuggling and distribution ring, the Plaintiffs were advised by the California DEA to leave Mexico for obvious reasons, and to not disclose their whereabouts.

It was the actions of the Defendants and arguably this Court, that did force the indigent Plaintiffs back into an area well within striking distance of what, by all accounts and records, was an international drug smuggling and distribution organization. An organization known to possess numerous fully-automatic weapons and hand guns including a 50 Caliber Desert Eagle like the one used on, or by, James Kimberly Torres that killed him.

**THE COURT'S ACTION IS INADEQUATE:** Considering the facts, ordering that the Defendants' Attorneys not disclose their address is simply not adequate to ensure the Plaintiffs' safety. As set forth in our supporting memorandum, it is clearly inadequate to guarantee the safety of the Plaintiffs from this criminal organization known to have been under investigation, and clearly, who blames the Plaintiffs for the death of one of its members.

Our supporting memorandum sets forth facts from the transcripts, record and documented history of this case, that make it clear that Attorney Carter and his law firm of Wilkins, Deyoung & Carter should not, and cannot, be entrusted with information that directly affects the safety, well being and lives of the Plaintiffs.

**The Court must consider** the safety of the Plaintiffs to be paramount. To ignore the threats so well supported, would, intentionally or not, be the issuance of an unlawful order by

this Court which could not, and cannot be followed.

The Plaintiffs offer a simple modification which will fully embrace the intent of Massachusetts Superior Court Rule 9A, while placing minimal, if any, burden on the parties, and provide the Court, under the sealed address ordered by this Court, the full compliance with paper 9A package filings.

**THE PLAINTIFFS PROPOSE** that the litigants and their Attorneys will provide documents to each other in the same PDF format as required by the Massachusetts Court of Appeals. The filing party will print out the documents and mail them to the Court as required.

Every Word Processor now supports saving documents in PDF format, thus providing a simple means of sending documents between the parties for printing and filing with the Court. As Attorney Carter has stated in emails: *"Lets save a few trees"*.

**IN THE ALTERNATIVE**, the Court could order one of the following:

1. Assign Counsel to the Plaintiffs.
2. Order that the Defendants pay the Plaintiffs' attorneys fees under the precedents set in Massachusetts Probate Court, which make such orders to avoid one-sided representation, as this clearly is.
3. Order that the Defendants get a different attorney of unquestioned character and experienced with the handling of classified information.
4. Provide a secure party experienced with the handling of classified information to forward mail between the parties.
5. Extend the time of Service by ten (10) days to accommodate a third party entrusted by the Plaintiffs to handle document forwarding.

**THE PLAINTIFFS' LIVES RELY ON** the procedures and precautions the Court will take to protect the Plaintiffs' location by enforcing a "Need to Know" standard used to

determine what Court personnel will need to know the Plaintiffs' location. We are relying on what we understand to be the intent under which the Court ordered the Plaintiffs' address sealed.

**THE MASSACHUSETTS COURT OF APPEALS** has set the standard that this Court must follow. The Appellate Court did prevent the disclosure of the Plaintiffs Address to the Defendants and their Attorneys and therefore, so must this Court.

**WHEREFORE** the Plaintiffs demand that:

1. The Court rescind its order for the Plaintiffs to deliver their address to the Defendants' Attorneys.
2. That the Court order one of the Plaintiffs' six alternatives proposed, be adopted in the above entitled action which will protect the safety, lives and well being of the Plaintiffs who have been long terrorized by the Defendants, OR the Court on its own initiative, orders a proven, well documented plan which will not endanger the safety and/or lives of the Plaintiffs.

Respectfully submitted,

Respectfully submitted,

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**Dated:** January 16, 2014