

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS.

SUPERIOR COURT

JESSE E. TORRES III)
JENNIFER J. ADAMS)
Plaintiffs)
vs.)
SOPHIE J. TORRES)
JESSE E. TORRES IV)
DEBTMERICA, LLC.)
DONALD F. TORRES)
Defendants)

Civil Docket # BACV2011-00433

VERIFIED MOTION FOR MENTAL EXAMINATION

The Plaintiffs move this Court to issue and order under Massachusetts Civil Procedure Rule 35 for the Mental Examination of the Defendant Sophie J. Torres.

In support of this motion, the Plaintiffs reallege and reassert paragraphs 1 through 134 of their Complaint, which are incorporated herein by reference, and include the attachments of their Complaint as if specifically attached hereto, and in support thereof, do set forth these facts:

1. The Complaint makes claims that the Defendant Sophie J. Torres:
 - a) has breached her Contract with Plaintiff Jesse E. Torres III, and
 - b) was coerced by Defendant Jesse E. Torres IV to do so, and
 - c) has a clear history documented herein, of similar bad acts.
2. The Plaintiffs argue that a considerable part of their case against the Defendant Sophie J. Torres is based on the mitigating circumstance of how effective the coercion of her was, and the extent said breach was caused by, the direct acts of the Defendants Jesse E. Torres IV and/or Donald F. Torres.
3. Considerable effort was made to verify and document the mental state of the Defendant Sophie J. Torres at the time of the signing the contract by and between her and the Plaintiff Jesse E. Torres III on April 24, 2009 (Contract) hereto attached as exhibit "A",
4. The mental state of the Defendant Sophie J. Torres is clearly now in question as,
5. while the Plaintiffs have had only limited contact with the Defendant Sophie J. Torres these last two weeks, they have been assisting her for four (4) years, and they believe that she is clearly demonstrating signs of diminished mental capacities and/or clear signs of aging, which they believe do now suggest, signs of early stage Alzheimer's, with which the Plaintiffs are all too

familiar as:

- a) the Plaintiffs were the sole caretaker, for a period of five months, of the Plaintiff Jesse E. Torres III's father, Jesse E. Torres Jr., who suffered from stage five (5) Alzheimer's. During that time period, the Plaintiffs visited numerous Doctors and had many appointments with them specific to the care, understanding and treatment of Alzheimer's patients.
 - b) Plaintiff Jesse E. Torres III (JETIII) was one of the primary caretakers for over a year, for his uncle Frank Souza, who also suffered from Alzheimer's, and did:
 - i. care for his uncle which included numerous trips to his doctor, and where the doctor adopted the medications that we found to be of benefit to the Plaintiff's father, Jesse E. Torres Jr; now commonly used in the treatment of Alzheimer's.
 - ii. did solely accompany him to the Falmouth Hospital on two separate occasions and did discuss his Alzheimer's with the Doctor, and specifically as to the quality of life in reference to when to stop critical care.
6. Plaintiff Jennifer J. Adams has lived with the Defendant Sophie J. Torres (MOM) for a period of four (4) years, their relationship was that most associated with those of a Mother and Daughter.
 7. Plaintiff Jennifer J. Adams (Jennifer) did have an extended visit with MOM on or about July 11, 2011, where,
 8. MOM got very excited at one point during her visit, and stated to her, words to the effect, that "*Jesse was going to teach his father a lesson*" and "*It's about time for him to stand on his own two feet*".
 9. Jennifer also noticed MOM having trouble determining who said what and when it was said, and then how MOM came back from her confusion and once again seemed fine.
 10. Upon her return from said visit, Jennifer stated her worries about MOM to JETIII, worries that MOM was not herself and that she was worried that MOM may be showing signs of Alzheimer's, or was really slipping.
 11. Jennifer stated that MOM appeared to be "*Parroting*" statements made by others as her own (which we assert is a clear Alzheimer's symptom with which we are all too familiar).
 12. The Plaintiffs, on or about July 21, 2011 watched as MOM came home and was driving erratically.
 13. MOM almost hit her newspaper box and parked on top of the small sidewalk to her home, this did limit access to her home. See *new* exhibit "Q" hereto attached.
 14. After two days of her car being left in this spot, JETIII did call MOM and left a message, asking her if she would like him to move her car and park it in the driveway. MOM did not reply, but did move her car.
 15. On July 25, 2011, after the Defendant Sophie J. Torres' attorney Kathryn Wilson had refused to accept service any longer on behalf of the Defendant, the Process Server came to the

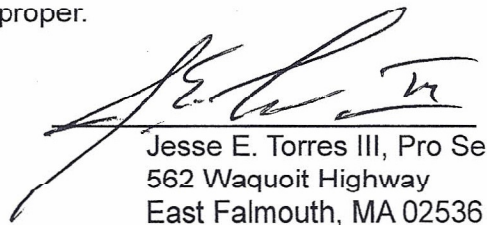
Defendant Sophie J. Torres' home and the following took place:

- a) the Process Server Tom Dolby (Constable) came to the Defendant's residence and knocked at the door of the Defendant who did not answer, and
 - b) after several attempts, the Constable walked over to the Plaintiff's work place located approximately fifty feet (50') from the Defendant's Residence, and
 - c) did discuss with Plaintiff Jesse E. Torres III that the Defendant would not answer her door, and
 - d) Plaintiff JETIII did state to the Constable that he, JETIII, personally saw the Defendant come home approximately an hour before the Constable arrived, and
 - e) [then] the Constable did leave the Complaint and Summons in the doorway at the home of the Defendant Sophie J. Torres, and
 - f) Plaintiff JETIII began to worry about his mother, the Defendant Sophie J. Torres as she did not come to the door to retrieve the documents left for her, and
 - g) did call the Defendant twice on her home phone, and
 - h) concerning the first call, the Defendant's line was busy, and
 - i) concerning the second call, the Defendant did not answer, and
 - j) of specific note, is that the Defendant's answering machine was, for the first time known, turned off, and
 - k) did call on the Defendant's cell phone and did leave a message, and
 - l) when the Plaintiff JETIII was unable to contact his mother, the Defendant, he,
 - m) did walk around her house and looked inside to see if his mother was hurt or injured, and
 - n) did see his mother, who ran off to hide, and we assert, was hiding from the Constable.
16. The behavior as set forth above, is not the normal actions of the Defendant Sophie J. Torres, or we argue, any rational person.
17. The Plaintiffs argue that the Defendant Sophie. J. Torres is at minimum, showing signs of the early stages of Alzheimer's, or diminished mental capacities.
18. The Plaintiffs argue that the Defendant's symptoms are intermittent which is also a symptom of the disease (good days, bad days, sundown syndrome, etc.).
19. The Plaintiffs strongly argue that the Defendant Sophie J. Torres is now "*Parroting*" the words of, and following the instructions of, the Defendant Jesse E. Torres IV, and

20. further we assert that the Defendant Sophie J. Torres now appears to be unable to differentiate her words from the Defendant Jesse E. Torres IV's words.
21. The Plaintiffs herein affirm that they have no desire to question or cross-examine the Defendant Sophie J. Torres if she is now in a state of diminished mental capacities.
22. The Plaintiffs argue that the state of the Defendant Sophie J. Torres' mental capability is of paramount importance to their case and that it is necessary to determine:
 - a) did the Defendant Sophie J. Torres at all times have the mental faculties to have breached the Contract on her own, and/or,
 - b) does the Defendant Sophie J. Torres at all times, now have the mental faculties to make decisions as to her relationship with the Plaintiffs and/or their administration of her affairs, and on her behalf, which include a Registered Power of Attorney, Health Care Proxy and her Will, naming Plaintiff Jesse E. Torres III as her Attorney-in-Fact, Agent and Executor, See new Exhibits "R" and "S", and Complaint exhibit "G" hereto attached, and/or
 - c) is the Defendant Sophie J. Torres at all times acting on her own in this action, or is she simply "Parroting" and/or trying to hide her forgetfulness and just please the Defendant Jesse E. Torres IV, as is a common symptom of Alzheimer's .
23. The Plaintiffs argue that it is very difficult to determine whether or not any individual is suffering from Alzheimer's, just simply aging or for that matter, just under stress from a Court action such as this. Further, the intermittent symptoms of this disease compound the issue greatly as does its victim's desire to cover up their symptoms. As such, said determination should be made by a qualified person with experience and expertise on these matters, and this horrible disease.

WHEREFORE the Plaintiffs pray that this Court issue and order:

1. [that] the Defendant Sophie J. Torres in accordance with Massachusetts Civil Procedure Rule 35, undergo a Mental Examination by a qualified Psychiatrist or Psychologist , and
2. [that] the Court appoint a neutral, qualified and experienced Psychiatrist /Psychologist to examine the Defendant, Sophie J. Torres, and
3. [that] the report of the Psychiatrist /Psychologist be attached to this action and made available to this Court as it deems necessary, to assist in making its ruling(s) as to the Defendant Sophie J. Torres' Mental Condition as concerns the items as set forth above, and
4. any other rulings as this Court deems just and proper.




Jesse E. Torres III, Pro Se
562 Waquoit Highway
East Falmouth, MA 02536
(617) 291-0862

Dated July 26, 2011

CERTIFICATE OF SERVICE

I, Jesse E. Torres III, hereby certify that on July 26, 2011, I have served the Defendants Sophie J. Torres, at her residence, and Jesse E. Torres IV and Debtmerica, LLC, through their attorney of record, a true copy of this document by postage prepaid U.S. Mail.




Jesse E. Torres III, Pro Se

VERIFICATION ATTESTATIONS

Plaintiff Jesse E. Torres III:

I Jesse E. Torres III of Barnstable County, Massachusetts did personally prepare this motion and I do herein swear, under the pains and penalties of perjury, that the facts contained herein, are true to the best of my personal knowledge.



Jesse E. Torres III

7/26/2011
Date

Plaintiff Jennifer J. Adams:

I Jennifer J. Adams of Barnstable County, Massachusetts did review this motion and I do herein swear, under the pains and penalties of perjury, that the facts contained herein, are true to the best of my personal knowledge.



Jennifer J. Adams

July 26, 2011
Date