

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS.

SUPERIOR COURT

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

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Civil Docket # BACV2011-00433

**PLAINTIFFS' VERIFIED MOTION TO RESTRAIN CERTAIN PARTIES FROM DISCUSSING THE CASE OR THE PLAINTIFFS WITH THE DEFENDANT SOPHIE J. TORRES**

The Plaintiffs move the Court to issue an order restraining the parties named herein from discussing this case or the Plaintiffs, with the Defendant Sophie J. Torres.

**INTRODUCTION**

The Plaintiffs and the Defendant Sophie J. Torres (Mrs. Torres) did live as a normal family unit for four (4) years, until Plaintiff Jesse E. Torres III (Jesse III) did on May 24, 2011 disavow his son, Defendant Jesse E. Torres IV (Jesse IV). The following day, Jesse IV did begin a campaign to hurt his father in any way he possibly could. He found, and is now paying for, two (2) attorneys for the Defendant Sophie J. Torres (Mrs. Torres), and was successful in coercing and in using undue influence, which resulted in Mrs. Torres' breaching her contract of April 24, 2009, with her son Jesse III. See Contract exhibit "A" .

Now, with complete disregard for the motions before this Court, we assert that Jesse IV, with his co-conspirator and great uncle Donald F. Torres, are once again using the tactics that had been successful in forcing the Plaintiffs from their home in Baja. Jesse IV has, with no current ownership interest in doing so, and with complete disregard for the authority of this Court, hired personnel to change the locks on the properties that are part of this action. These properties' effective ownership and rights are in question, as set forth in the Complaint of this action, the properties are vacant and the Plaintiffs have many of their tools and personal items, currently for sale, stored there. Knowing of the current financial state of the Plaintiffs, we assert that Jesse IV even had his "man on the ground", Henry Parent, remove the "For Sale" sign from items the Plaintiffs are selling. These tactics are all too familiar to the Plaintiffs, as they have been used by the Defendants in the past, and are clearly set forth in the RICO Counts in the Plaintiffs' Complaint.

It is clear that it is Jesse IV, and not Mrs. Torres, who is now responsible for the above-stated unlawful actions against the Plaintiffs, causing the Plaintiffs to contact the Falmouth Police Department. The actions of Jesse IV and we assert, Donald F. Torres, now reach far beyond coercion

and undue influence of Mrs. Torres. They are now so emboldened as to be totally unafraid of the authority of this Court to curtail their actions as they were of the authorities to do so in Mexico.

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 further does incorporate the Plaintiffs' Verified Motion for Mental Examination and do reallege and reassert the facts contained therein as if specifically stated herein.

## FACTS

The Plaintiffs argue that the facts are no longer open to question and that the Defendant Sophie J. Torres is now under the total control of the Defendant Jesse E. Torres IV and others as set forth herein, who are clearly using coercion and asserting undue influence to manipulate the Defendant Sophie J. Torres. Now before this Court is the Plaintiffs' motion for the Mental Examination of said Defendant which raises serious questions as to her "*Parroting*" and may even arise to "*Echolalia*", and as such, it is essential that she be removed from the sphere of influence and control she is now under by the Defendants Jesse E. Torres IV and Donald F. Torres and Joseph J. Torres and Marry C. Torres.

The Plaintiffs strongly assert that it must be determined if the actions of Defendant Sophie J. Torres are her own, or if she is simply *Parroting* what others are saying, or telling her to say, or the other causes as set forth herein. The Plaintiffs pray that the Defendant Sophie J. Torres, for a minimum thirty (30) day period, not be allowed to discuss this case with the parties named herein and any others this Honorable Court deems necessary, and continue until such time as her mental examination has been completed. In support thereof, we 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. The Plaintiffs had been living as a family unit for four (4) years with the Defendant Sophie J. Torres until May 28, 2011, when the Plaintiff Jesse E. Torres III disavowed his son, the Defendant Jesse E. Torres IV.
4. On or about May 29, 2011, the day after disavowing his son, the Defendant Sophie J. Torres announced to her son, Plaintiff Jesse E. Torres III, that she was going to write a new Will.
5. When the Defendant Sophie J. Torres was reminded by her son, Plaintiff Jesse E. Torres III that she had signed a binding contract over two (2) years ago that prohibited her from taking said action, and further that she had permanently transferred the property rights to her son over two years ago on April 24, 2009, she stated words to the effect that, "*Jesse (IV) had told her she could do whatever she wanted*" and that, "*Jesse (IV) would pay her bills to do so*".
6. On July 7, 2011, the Plaintiff confirmed that the Defendant Jesse E. Torres IV was now paying

the costs for the Defendant Sophie J. Torres to breach her contract and change her Will. We state this to be fact as:

- on July 6, 2011, since the Plaintiff Jesse E. Torres III had been Defendant Sophie J. Torres' Attorney-in-Fact, Health Proxy Agent and Executor of her Will, and therefore had a history with the then attorney of the Defendant, Kathryn Wilson, Esq., the Plaintiff Jesse E. Torres III communicated with said attorney concerning the Defendant Sophie J. Torres' actions, and did specifically ask where her loyalties lay considering she was now being paid by the Defendant Jesse E. Torres IV. See exhibit "Z" hereto attached.
7. A chain of events as set forth in our Complaint, Attachments and Pleadings resulted in the Plaintiffs filing this action in this Honorable Court.
  8. The latest actions of the Defendant Jesse E. Torres IV can leave no doubt that the Defendant Sophie J. Torres is under the control of said Defendant, and further that he is so emboldened as to now take direct actions as set forth above to harm the Plaintiffs using Properties in which he has no current ownership interest.
  9. The Plaintiffs argue that it is a requirement of this action that the mental state and capabilities of the Defendant Sophie J. Torres be determined without any undue influence or pressure.
  10. The Plaintiffs argue that while it is difficult to determine the mental state of any senior person, it is nearly impossible to determine said state when they are under what is at minimum, the undue influence of third parties.
  11. In order to determine the true mental state and intentions of persons who suffer from *Parroting*, who are financially dependent, who are simply aging, or who are under the pressures of a court action such as this, it is paramount to separate them from controlling parties; in support thereof, we offer the following from The American Journal of Psychiatry, entitled "*Assessment of Testamentary Capacity and Vulnerability to Undue Influence*", Am J Psychiatry 164:722-727, May 2007, doi: 10.1176/appi.ajp.164.5.722, copy is available at: <http://ajp.psychiatryonline.org/cgi/content/full/164/5/722>.  
  
*"Suspicious circumstances in the context of a challenge to a will include a radical change from previous consistently expressed wishes; evidence of a concurrent mental or neurologic disorder that may affect cognition, judgment, impulsivity, or reality testing; a dependent situation whereby the testator is particularly vulnerable to influence or even suggestion; multiple changes in the will made by the testator as a means of controlling individuals who are perceived as essential to the testator's dependence or well-being."*
  12. The Plaintiffs have been assisting the Defendant Sophie J. Torres for over four (4) years and herein state that the current actions of the Defendant Sophie J. Torres are not normal for her, and argue that these actions are, even if we were to assume for the sake of argument that said Defendant did not suffer from mental limitations, clearly not her own, and in support thereof we set forth the following from the Borchard Foundation Center on Law and Aging, entitled Undue Influence: Definitions and Applications. copy is available at: <http://www.courts.ca.gov/documents/UndueInfluence.pdf>

*"Soundness of mind and body does not imply immunity from undue influence. It may require greater ingenuity to unduly influence a person of sound mind"*

*and body, and more evidence may be required to show that such a person was overcome than in the case of one weak of body and mind. But history and experience teach that minds of strong men and women have been overcome, and they have been by a master mind persuaded to consent to what in their sober and normal moments, and free from undue influence, they would not have done."*

13. The Plaintiffs strongly assert that the actions of Defendant Jesse E. Torres IV and the other Defendants, as to their manipulation of the Defendant Sophie J. Torres, have now risen to a level so egregious, it is defined as abuse by the National committee for the Prevention of Elder Abuse in their article Mental Capacity, Consent, and Undue influence which states in part:

*"Inducing someone to sign a legal document or give a gift, for example, may constitute abuse if the person does not fully understand the transaction, appreciate the value of what they are giving away, or comprehend the implications of what they are doing."*

14. The Defendant Sophie J. Torres, to the best of our knowledge, is now represented by two Attorneys in this matter, Jeremy M. Carter Esq. and Kathryn Wilson Esq. and no undue hardship will be experienced by said Defendant if the Court allows this motion.
15. The recent actions of the Defendant Sophie J. Torres, where she has taken a complete one-hundred-eighty degree turn away the Plaintiffs, are a *res ipsa loquitur*, in that the result of the Defendants Jesse E. Torres IV's and Donald F. Torres' action speaks for itself.

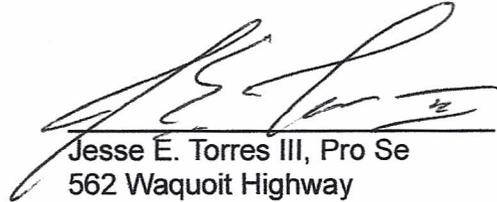
**Of specific note** is that the Defendant Sophie J. Torres, has not received, nor will receive any personal financial benefit or gain from her actions in this matter. While the true financial beneficiaries will only be determined when the Defendant Sophie J. Torres presents her new Will and/or Trust as requested under rule 34 from said Defendant, the Plaintiffs strongly assert that it is the Defendants Jesse E. Torres IV and Donald F. Torres, who, once again using the tactics with which they were successful in the past, continue to accomplish their goal of punishing the Plaintiffs for not succumbing to their Extortion attempts as set forth in the Complaint of this action.

**WHEREFORE** the Plaintiffs pray that this Court issue an order to last for a period of at least thirty (30) days prior to the start of the Mental Examination of the Defendant Sophie J. Torres, or whatever time-period this Court deems appropriate:

1. that will prohibit the following named parties in discussing this case with the Defendant Sophie J. Torres:
  - a) Defendant Jesse E. Torres IV
  - b) Defendant Donald F. Torres
  - c) Joseph J. Torres, Grandson
  - d) Mary C. Torres, Daughter
  - e) Debtmerica LLC, through its Officers, Employees or Agents
2. [that] will prohibit the Defendant Sophie J. Torres from discussing this case with any family members, and
3. any other rulings as this Court deems just and proper.



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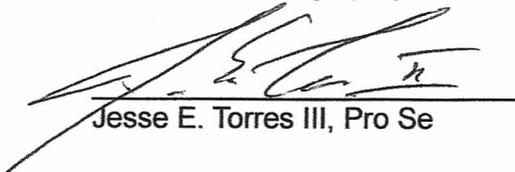


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Dated August 3, 2011

**CERTIFICATE OF SERVICE**

I, Jesse E. Torres III, hereby certify that on August 3, 2011, I have served the Defendants Sophie J. Torres, Jesse E. Torres IV and Debtmerica, LLC, through their attorney of record, a true copy of this document by postage prepaid U.S. Mail.

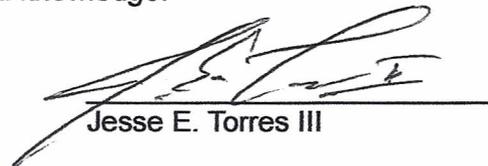


Jesse E. Torres III, Pro Se

**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.

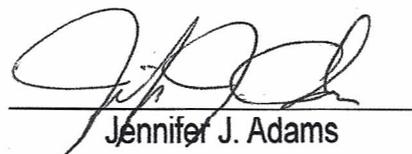


Jesse E. Torres III

August 3, 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

August 03, 2011  
Date