

Subject: Re: 2012-P-0524 - Notice of Argument

From: jtorres <jtorres@jetiii.com>

Date: 3/11/2013 10:49 AM

To: Appeals Court Clerk's Office <AppealsCtClerk@appct.state.ma.us>

CC: <jmc@wilkinsanddeyoung.com>, "Jennifer J. Adams(jadams)" <jadams@jetiii.com>

Dear Clerk of the Appeals Court,

Please note that in July 17, 2012 we were forced to leave our home in Massachusetts. The Appellees in this matter were successful in evicting us and thereby making our appearance in this matter as difficult as possible. This is a familiar tactic they often use, as set forth in our Briefs and attachments. We were declared indigent by this Court and the Barnstable Superior Court, and were left homeless as a result of the Appellees' eviction.

We were advised to not state our location as retribution threatened by an Appellee could place us in imminent danger. The reasoning here is clear and is referenced in our brief's attachments from Federal and State Law Agencies from two (2) countries. Notwithstanding, we have been forced to take refuge with various friends and family leading us thousands of miles from Massachusetts, and leaving us without the funds to return to Massachusetts to personally argue before the Appeals Court on the date scheduled hereto.

While we have been working feverishly to complete a new product, as employment for an almost 61 year old Computer Scientist is hard to find in this economy, we are not yet ready to release the product, and do not therefore have the funds to return to Massachusetts and to pay for accommodations during the appeal hearing.

We therefore are hoping to find alternative means to argue our case. We request that we be allowed to argue via Skype Video Conferencing, or in the alternative, via Telephone. Other suggestions would be to ask the Court to appoint Counsel to represent us, or at minimum, to adjourn and delay the oral arguments for six (6) months at which time we would hope that we would have the finances to travel to Massachusetts.

We believe that this is procedural and does not therefore have to be done by Motion. Please advise if we are incorrect, or if you have any other alternatives available in this matter.

Lastly, we ask that it is taken into consideration that it was the direct and deliberate actions of the Appellees that have caused us to not be available to argue this matter, and that they should not profit from their actions.

Thank you for your consideration,

J. E. Torres III

----- On Fri, 08 Mar 2013 13:52:49 -0500 **Appeals Court Clerk's Office**
<AppealsCtClerk@appct.state.ma.us> wrote -----

COMMONWEALTH OF MASSACHUSETTS

APPEALS COURT CLERK'S OFFICE

March 8, 2013

RE: No. 2012-P-0524

JESSE E. TORRES, III & another
vs.
SOPHIE J. TORRES & others

Dear Counsel:

This case is scheduled for oral argument as follows:

Date: Thursday, April 11, 2013

Time: 2:00 PM

Panel: Cypher, Rubin, Wolohojian, JJ.

Place: John Adams Courthouse, Courtroom 4, Third Floor
Pemberton Square, Boston, MA 02108

Oral argument is limited to FIFTEEN (15) minutes for each side. Please note:

- 1) You are to advise this office who will appear and argue the case. If you are counsel and have received this notice electronically, you may respond by clicking on the reply button. If you have received this notice by regular mail, please respond by regular mail.
- 2) The case cannot be submitted on brief without notice to the court.
- 3) You are required to be in the courtroom at 9:30 A.M. and complete the Attorney's Registration Form, which is in the court officer's custody.
- 4) There will be no continuance except for grave cause.
- 5) All further filings in this appeal are required to be filed electronically by e-mailing the document as a PDF; original papers will not be accepted without leave of the court. See "Standing Order Requiring the Electronic Filing of All Motions and Letters After Panel Assignment," available at <http://www.mass.gov/courts/appealscourt>.
- 6) Notice of Cancellation of Arguments. When inclement weather exists, parties are required to call 617-725-8114 to learn from the automated message of any cancellation of oral arguments. In addition, parties who registered for e-mail notice will receive e-notice that oral argument has been canceled.

ELECTRONIC NOTIFICATION. To register to receive only electronic (i.e., e-mail) notification of the court's actions, orders, rescripts, and decisions, see "Standing Order Governing Electronic Notification of Court Orders, Notices, and Decisions in Lieu of Paper Notice," available at <http://www.mass.gov/courts/appealscourt>.
Very truly yours,

Special Assistant Clerk

To: Jesse E. Torres, III, Jennifer J. Adams, Jeremy M. Carter, Esquire

If you have any questions, or wish to communicate with the Clerk's Office about this case, please contact the Clerk's Office at 617-725-8106. Thank you.