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COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT

JESSE E. TORRES III and
JENNIFER ADAMS,

Plaintiffs,

v.

SOPHIE J. TORRES,
JESSE E. TORRES IV, DEBTMERICA,
LLC, and DONALD F. TORRES,

Defendants

MOTION HEARING
BEFORE THE HONORABLE CHRISTOPHER J. MUSE

APPEARANCES:

For the Plaintiffs:
JESSE E. TORRES III, PRO SE
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East Falmouth, Massachusetts 02356

For the Defendants:
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Barnstable, Massachusetts
Courtroom 2
August 30, 2011

Transcript produced by Approved Court Transcriber Cindy
Crowley

1 (2:08 p.m.)

2 THE CLERK: Okay. These are interlocutory matters for
3 hearing on August 30, 2011, the Honorable Christopher J. Muse
4 presiding. Civil action 2011-433, Torres, et al, versus
5 Torres, et al.

6 We have -- Jesse Torres is appearing pro se and
7 Attorney Carter is appearing for the defendant.

8 THE COURT: Okay. Good afternoon.

9 MR. TORRES: Good afternoon, Your Honor.

10 MR. CARTER: Good afternoon.

11 THE COURT: Now, what do we have today?

12 MR. CARTER: It's defendants' motion, Judge, to restrain
13 certain publications over the Internet by the Plaintiff.

14 THE COURT: Okay. Because I read a lot, and I guess I
15 didn't have to.

16 MR. CARTER: There's a lot in the files.

17 THE COURT: All right. Mr. Torres, tell me what you would
18 like to have done. I understand quite a bit about the
19 background of the case.

20 MR. TORRES: Okay.

21 THE COURT: So you don't have to go forward with that.
22 You are looking to have Sophie -- and that's your mother?

23 MR. TORRES: Yes.

24 THE COURT: -- and Jesse, who I assume would be your --

25 MR. TORRES: Son.

1 THE COURT: -- son? And that's it? Donald as well?

2 MR. TORRES: Donald Torres is an uncle.

3 THE COURT: And who was doing what? Because I'm having a
4 hard time with these pleadings.

5 MR. CARTER: It's actually my motion.

6 THE COURT: Plaintiffs -- I'm sorry.

7 MR. TORRES: But there's also, Your Honor, I'm not sure
8 with the storm of all of the motions I filed with it, I asked
9 that this be combined as an evidentiary hearing, and I also
10 have a motion to strike. I'm not sure if you got them.

11 Did you get that, Mr. Carter?

12 MR. CARTER: I got it today, Judge.

13 THE CLERK: The Court has it, but it's not filed 9A.

14 THE COURT: I know. That's --

15 MR. CARTER: Mr. Torres files a lot of motions, Judge.

16 THE COURT: Excuse me. Go one at a time.

17 MR. TORRES: I was talking, Your Honor.

18 THE COURT: Yeah.

19 MR. TORRES: No, that's okay. (Indiscernible at 20:09:47

20 -- garbled speech.)

21 THE COURT: I'll tell you what the clerk just told me.

22 That we had a motion that you filed to strike --

23 MR. TORRES: Yes, Your Honor.

24 THE COURT: -- claims, and that has not been filed the
25 right way so I'm giving it back to you with instructions as to

1 how to do it. Okay? Number one.

2 MR. TORRES: May I ask a question? Okay. Yes, sir.

3 THE COURT: Number one. No, it's --

4 MR. TORRES: But that was in response to this hearing,
5 Your Honor. That is specifically a motion to strike this
6 motion. He made four statements in the motion.

7 THE COURT: Okay. Hold it.

8 MR. TORRES: Okay. This was filed (indiscernible at
9 2:10:18 -- garbled speech).

10 THE COURT: We have a motion to restrain certain parties
11 from discussing the case or the plaintiffs with the defendant.
12 Now, hold it.

13 MR. TORRES: Okay.

14 (Pause.)

15 THE COURT: You're representing who? Defendants?

16 MR. CARTER: I represent presently the two defendants who
17 have been served, Judge.

18 THE COURT: Okay.

19 MR. CARTER: That would be Sophie Torres and Debtmerica.

20 THE COURT: But I have here the plaintiffs' verified
21 motion to restrain certain parties from discussing. That's
22 your motion?

23 MR. TORRES: Yes, sir. That has not -- the final 9A
24 filing of that, we just are sending it to the court now.
25 That's not the motions that we have before this.

1 THE COURT: That's where my confusion is. That's why I
2 asked you.

3 MR. TORRES: There are --

4 THE COURT: Hold it. Hold it.

5 MR. TORRES: Okay.

6 THE COURT: Hold it. Hold it. Now I have the other one
7 that was at the head of the pile here, and that's where the --
8 the verified motion to amend the plaintiffs' ex parte motion
9 for a restraining order. Did you get a restraining order
10 beforehand?

11 MR. CARTER: Judge, that's -- they have applied for a
12 restraining order. That hasn't even been heard yet.

13 THE COURT: All right.

14 MR. CARTER: And that's not up to me, respectfully.

15 THE COURT: And the motion to dismiss is not on today?

16 MR. CARTER: No.

17 THE COURT: Okay.

18 MR. CARTER: Although that's been sent in 9A, but it's not
19 been scheduled.

20 THE COURT: That's what I read.

21 MR. CARTER: Okay.

22 THE COURT: So your motion -- is it your motion today?

23 MR. CARTER: It is, Your Honor.

24 THE COURT: Where will I find that in the file?

25 THE CLERK: Number nine, Your Honor.

1 THE COURT: Number nine. Okay. Okay. Now Sophie says
2 that you're posting things on the Internet?

3 MR. TORRES: Yes, Your Honor. I have.

4 THE COURT: Okay. And you don't want it to happen?

5 MR. CARTER: Correct, Judge. There's certain things. I
6 mean, other things I acknowledge he has a right to do.

7 THE COURT: Hold it. Hold it. Hold it. Just a -- so why
8 are you doing -- what are you doing?

9 MR. TORRES: Okay, Your Honor.

10 THE COURT: When you say posting on the Internet, what are
11 you doing?

12 MR. TORRES: Okay. The first thing we did, and it's a
13 motion that I heard in Middlesex court in 1998.

14 THE COURT: No, no, no.

15 MR. TORRES: We're posting the court record.

16 THE COURT: I want to see what you're doing.

17 MR. TORRES: The court record.

18 THE COURT: Why?

19 MR. TORRES: Okay. Last month, we went in and tried very
20 quietly, we've been trying to maintain the status quo,
21 (indiscernible at 2:12:52 -- background noise). I called up
22 an Officer Cheryl Atherton from the Falmouth Police
23 Department. I -- because we were locked out of some buildings
24 that we have access to and are part of our overall complaint
25 in this matter. We make our living from those buildings.

1 THE COURT: I have to interrupt for a second.

2 MR. TORRES: Yes, sir.

3 THE COURT: Why are you posting things about your mother
4 on the Internet?

5 MR. TORRES: I'm not posting things about my mother on the
6 Internet.

7 THE COURT: What are you posting?

8 MR. TORRES: Just the pleadings from this.

9 THE COURT: Why?

10 MR. TORRES: Because when I called Officer Atherton
11 originally, I -- she came back with me. She went over and I
12 asked her -- they changed the locks on the buildings. I asked
13 her to take and see Henry Parent who is a relative in the
14 family that's currently mowing the lawns on the properties
15 that are in dispute right now. When she went down and mowed
16 the lawn --

17 THE COURT: No, no, no. Everyone's motivated. Why? What
18 is it?

19 MR. TORRES: The motivation, Your Honor? It's very
20 simple. I was about to be evicted from the properties which
21 were (indiscernible at 2:13:44 -- garbled speech) two motions
22 to evict me.

23 THE COURT: Okay.

24 MR. TORRES: The Falmouth Police Department took verbatim
25 what his officer told him --

1 THE COURT: Right.

2 MR. TORRES: -- as -- you know it was related by
3 Officer Atherton. I wrote a certified letter to the Falmouth
4 Police Department saying wait a minute. This whole thing's
5 before Barnstable Superior Court, and we need to take and have
6 that court make a decision on what's going on here, and all we
7 want to do is keep things status quo on a property nobody
8 uses.

9 THE COURT: Right.

10 MR. TORRES: The police went to that department, the Mass.
11 state government's been to that website. Everybody looking at
12 the actual record that's before this Court right now --

13 THE COURT: Right.

14 MR. TORRES: -- and they -- they dropped what happened
15 from the influence of his office and they allowed us to go
16 back in and run our business. So --

17 THE COURT: You've lost me.

18 MR. TORRES: Okay.

19 THE COURT: Let me just say a few things, if you don't
20 mind.

21 MR. TORRES: Not all, sir, of course not.

22 THE COURT: I just gave you a pretty good example of how
23 the war of paper has been very unproductive for all of you. I
24 understand what was apparently before me. I read more about
25 this case than I needed to, and I missed the most important

1 ones. The most important one would've been the motion to
2 cause you to stop posting things on the Internet. I learned
3 an awful lot about the background about your family struggle.
4 I know a lot about what happened with you and your mother. I
5 know a lot of what happened with your son, and it seems like
6 there's matters that have to be resolved in a future probate
7 proceeding as a possibility or something to be resolved right
8 here.

9 And I want to tell you that your pleadings are very
10 difficult to go through, and that's not meant to be insult to
11 you. It's just meant to be -- to indicate to you that lawyers
12 are practised in how to plead, and it's very, very difficult,
13 and so there's a two-way street about pro se, that is
14 nonlawyer people representing themselves. One is to hopefully
15 help pro se litigants like yourself understand court
16 processes, and the other is for the Court to be able to
17 understand you. It's a two-way street.

18 MR. TORRES: Yes, sir.

19 THE COURT: It's a two-way street. And we are guided by
20 rules of procedure and pleading practice and custom, and it
21 was very, very difficult for me to work my way through much of
22 what you are trying to establish by way of the complaint.

23 MR. TORRES: I'm sorry, Your Honor.

24 THE COURT: No. Don't be sorry. That comes with the
25 territory. It's just that it's difficult, and you should know

1 it up front.

2 So you have a substantial issue, as I understand it, where
3 you claim that you're entitled to pretty much the entire
4 estate of your father that was given to your mother.

5 MR. TORRES: Yes, Your Honor.

6 THE COURT: And you have a document that you purport to be
7 a binding contract; correct?

8 MR. TORRES: Correct, Your Honor.

9 THE COURT: And you gave me a summary of the properties
10 involved that went upwards of \$2 million worth of value.

11 MR. TORRES: That's correct, Your Honor.

12 THE COURT: So you're talking about a very substantial
13 sum; right?

14 MR. TORRES: Yes, sir.

15 THE COURT: Okay. No one has said at this point that
16 you're not entitled to press that claim; correct?

17 MR. TORRES: Correct.

18 THE COURT: And that's the real heart and soul of this
19 case, at least by you; correct.

20 MR. TORRES: Absolutely, Your Honor.

21 THE COURT: All right. They're telling me that your
22 mother has a right to change her will and that if she does
23 change her will, that's fine, and that the only time that your
24 contract would ripen would be upon her death. Now I
25 understand that you take a contrary view; right?

1 MR. TORRES: Yes, Your Honor.

2 THE COURT: That seems to be the nub of the entire issue.

3 MR. TORRES: It is.

4 THE COURT: Okay. Why on earth do you want to start doing
5 tangential things that are going to be totally distracting
6 from the heart and soul of the matter?

7 MR. TORRES: Your Honor, the last thing, the last thing I
8 wanted to do -- and I took -- and if I could show you the
9 motions -- was to in any way disturb the status quo. I wanted
10 nothing but for this case to go forward and be adjudicated on
11 its own merits.

12 THE COURT: By why are you putting things on -- again, it
13 begs the question.

14 MR. TORRES: They --

15 THE COURT: We could go outside and you could scream to
16 people to say, "I'm being unfairly treated."

17 MR. TORRES: Nothing to do with that, Your Honor.

18 THE COURT: I don't know what it is. The point is why are
19 you doing it? It just doesn't make sense no matter what
20 you're saying. Why would he be putting --

21 MR. TORRES: They're throwing me --

22 THE COURT: -- this matter that is very simple on its face
23 and confusing it by these extraneous matters?

24 MR. TORRES: Very simple, Your Honor. I received from the
25 Falmouth District Court after I filed my motion for status quo

1 for -- in this court, a notice to quit, to evict me in 90
2 days --

3 THE COURT: Let me interrupt for a second.

4 MR. TORRES: -- and to not trespass.

5 THE COURT: Let me interrupt. You go to court, you get a
6 lawyer if you can, and you defend it.

7 MR. TORRES: I understand, Your Honor.

8 THE COURT: Why would any of that matter in terms of how
9 you prosecute your defense or they prosecute their claims?
10 Why does it matter what the rest of the virtual world knows
11 about your case?

12 MR. TORRES: Very simple, Your Honor. If the first motion
13 to stay off the premises prohibited me from making a living --
14 which we're very tight right now.

15 THE COURT: Excuse me for a second.

16 MR. TORRES: Um-hmm.

17 THE COURT: Either you're -- they're entitled to move you
18 off the property --

19 MR. TORRES: Or they're not.

20 THE COURT: --- or they're not, and it has nothing to do
21 with your views of their case or your view even of the police
22 that might enforce some orders or your views of the court to
23 be very frank with you. When you're in this business, in this
24 building, you file a complaint, you defend the complaint. If
25 you don't like the result, you take an appeal. It's a

1 straight linear path.

2 MR. TORRES: Yes, sir.

3 THE COURT: I just don't understand why your substantial
4 claim is going to be muddled up by these distracting things.

5 Tell me what he's been writing that you consider to be
6 impertinent or offensive or otherwise illegal or contrary to
7 any prior court order.

8 MR. CARTER: Judge, for instance, he has two web sites.
9 One is JedIII for lack of a better description, Jed triple I,
10 which is a private website, and he is New England Watchdog
11 which is a -- which is his web site dealing with writing
12 whatever he chooses to write, opinions and things.

13 On these web sites, he describes cases such as the one
14 before the Court as an ongoing international criminal
15 conspiracy that was directed at the plaintiffs on or about May
16 11, 2001 and has been successful in threatening the lives of
17 the plaintiffs. It talks about his, I believe, great uncle,
18 another defendant who I don't represent, as being a head of a
19 drug cartel. Has put on letters from doctors or at least one
20 letter from a doctor regarding Sophie Torres, his 90-year-old
21 mother, addressing her competency, Judge. He goes on -- talks
22 -- it's ramblings of his opinions about these cases.

23 I have no problem with him directing the world to the
24 Barnstable County Superior Court web site to show the
25 pleadings of what he's filed, but to do defamatory and

1 insightful comment about a 90-year-old woman, a company out in
2 California that he has no juris -- this Court has no
3 jurisdiction over, that he's trying to get involved in this
4 case talking about them being indicted in front of a New York
5 grand jury, Judge, is just a way of him trying to incite this
6 case, ratchet it up and bully his family, and it's go to stop,
7 Judge.

8 I think, respectfully, Judge Quinlan didn't make an order
9 but she -- just like this Court just did -- admonished him
10 about taking off -- he puts on the web sites stuff that he
11 hasn't -- that he thinks he's filed that hasn't been filed by
12 this court. That he, you know, hasn't done by 9A. He just
13 puts them on, and he's got these running commentaries, Judge,
14 and it's just -- it's defamatory, it's emotionally distressful
15 for my 90-year-old client, the family, the rest of the family,
16 and it's libelous, Judge.

17 So, again, properly documented items, no problem. If he
18 wants to write about me, I've never met the Falmouth police
19 chief but if he wants to assume that, that's fine. This isn't
20 about me. It's about the parties in this case, Judge, and the
21 First Amendment protects freedom of speech, but it doesn't
22 protect people rambling on about anything that they want to
23 ramble on about if it's defamatory or inciteful, Judge, and
24 that's what this is.

25 MR. TORRES: Your Honor, that's absolutely untrue. The

1 only -- there's two sites that he's talking about.

2 THE COURT: Tell me what's on it.

3 MR. TORRES: Okay.

4 THE COURT: Do you have a copy of -- let me -- hold on,
5 hold, hold, hold.

6 MR. TORRES: One is just everything that's been --

7 THE COURT: Hold it, hold it, hold it.

8 MR. TORRES: Okay. I've actually brought a computer in
9 case you wanted to see it, Judge.

10 THE COURT: No, no, no, no. I want to -- do you identify
11 anything in the pleadings?

12 MR. CARTER: This is the -- his comment about the
13 complaint --

14 THE COURT: In the pleadings. In the pleadings.

15 MR. CARTER: -- itself, Judge, and I --

16 THE COURT: Are they in the pleadings?

17 MR. CARTER: I'm sorry?

18 THE COURT: Are the in the pleadings?

19 MR. TORRES: Yes, Your Honor. Everything there is in the
20 pleadings.

21 MR. CARTER: Are they in the pleadings? That --

22 THE COURT: Here, your motion.

23 MR. CARTER: I believe that one may be.

24 THE COURT: Well, I'm only going to refer to what's in the
25 pleadings. So you can give that back to him. I just want

1 to --

2 MR. CARTER: And I -- the exhibits were just examples of
3 some of the stuff that he's -- literally every motion, Judge,
4 that he's filed has a running commentary that hasn't been
5 filed in this court because it's been sent back to him, has
6 been published.

7 (Pause.)

8 THE COURT: Well, what about the First Amendment?

9 MR. CARTER: The First Amendment allows him to express his
10 views, Judge. It doesn't allow him to post confidential
11 information, such as the will of his mother, the -- a letter
12 from her doctor that he's included. It doesn't allow him to
13 talk about a company and indicate misleading information.
14 That would be Debtmerica. It does not allow him to allege
15 drug cartels and that his life has been threatened and things
16 of that nature, Judge.

17 THE COURT: Well, if he's defaming somebody, that's
18 another cause of action.

19 MR. CARTER: That's true.

20 THE COURT: There's an issue of restraint prior to any
21 kind of publication, number one. But I do want to talk about
22 anything that's related to this case. That if there's
23 confidential information, there's a way of doing that for
24 every case --

25 MR. TORRES: Yes, Your Honor.

1 THE COURT: -- and that's called a protective order. So I
2 am not adverse to issuing a protective order so long as I know
3 exactly what the width and height and depth of it is.

4 MR. TORRES: Um-hmm.

5 THE COURT: But it still begs the question why? What is
6 the purpose of -- you've got a very simple direct route and
7 you're either going to win or you're going to lose, and you'll
8 be given a chance to make your best case, I hope. I think you
9 will. I'm sure it's going to be vigorously defended, but at
10 the end of the day, you're going to have an opportunity to
11 just marshal all of the facts towards one issue: a contract
12 your mother made to give you everything.

13 MR. TORRES: Yep.

14 THE COURT: Up or down. These are so -- the word
15 "incendiary," is incendiary for them, not for me, and you can
16 say whatever you want privately, that's not going to hurt
17 anybody, but if you're going to be involved in the court
18 processes, if you're going to be involved in the court
19 processes, it's going to require you to either conduct
20 yourself within the specific confines of decorum ordered by
21 the court, and I don't even like going that way. I'd rather
22 be to the well-understood decorum. So doing these things
23 extraneous don't help you at all, at all.

24 MR. TORRES: I understand that, Your Honor.

25 THE COURT: It doesn't help you at all, and if in fact

1 | there is somehow or other some communication of any
2 | confidential matters that belong to your mother -- no, let me
3 | finish --

4 | MR. TORRES: Yes, Your Honor.

5 | THE COURT: -- like doctors' statements, if that's on the
6 | Web -- is it?

7 | MR. TORRES: No. That was made to me, Your Honor, for
8 | this case. The doctor --

9 | THE COURT: Is there some ref -- what exactly did you say
10 | about the doc (indiscernible at 2:26:12 -- garbled speech)?

11 | MR. CARTER: It's actually exhibit K, Judge, on the
12 | complaint. It's a doctor's letter indicating that --

13 | THE COURT: K of the complaint?

14 | MR. CARTER: In the complaint -- indicating that Sophie
15 | Torres is competent as of an examination.

16 | MR. TORRES: Where it says that she's of sound mind and
17 | body, period. That was it, Your Honor. The reason for those,
18 | Your Honor, were that --

19 | THE COURT: No, no. Forget about the reasons.

20 | MR. TORRES: Okay. Okay.

21 | THE COURT: Forget them. Was that filed in court?

22 | MR. TORRES: Yep. The second time. It's on -- it's an
23 | attachment to the complaint.

24 | THE COURT: Whose complaint?

25 | MR. TORRES: It's my complaint, Your Honor. There's a

1 reason for that, Your Honor. The case is he's brought up the
2 90-year-old part of my mother. This is very, very difficult,
3 and I don't believe my mother has anything to do with this.

4 THE COURT: What difference -- why does the rest of the
5 world have to know whether your mother's competent or not
6 competent? That's what's troubling me.

7 MR. TORRES: It wasn't there -- there, Your Honor. We put
8 all the documents that were filed in this case on the
9 Internet. We didn't go for any particular document, we tried
10 to be fair.

11 THE COURT: Educate me. Why? What is the purpose behind
12 it?

13 MR. TORRES: On that? That --

14 THE COURT: You can put anything on the Internet.

15 MR. TORRES: We're going -- my mother is 90 years old as
16 he's brought up.

17 THE COURT: I know that you don't want her to leave the
18 property to her -- your son. I got it. You claim something.
19 It's a narrow issue.

20 MR. TORRES: Um-hmm.

21 THE COURT: Why in the -- why is anything on the Internet?

22 MR. TORRES: To protect us from being thrown off the
23 properties, Your Honor. I have no money. You have to
24 understand we're broke. We're not here pro se because we want
25 to be. I'm not here pro se because (indiscernible at 2:27:39

1 -- simultaneous speech).

2 THE COURT: What does that do to move your rights in the
3 Falmouth District Court along? What does it do for you?

4 MR. TORRES: It didn't, Your Honor. There was a -- he
5 also put up a temporary restraining order prohibiting us from
6 going on the property. We were literally evicted from going
7 in. They changed the locks on the buildings.

8 THE COURT: But again --

9 MR. TORRES: I couldn't make a living.

10 THE COURT: -- without going into the particulars of it,
11 that's what we do for a living in the courts. We listen to
12 people's claims and we make rulings, and something for an
13 eviction notice, as hard is it might be for a person or
14 restrain you from continued trespass, these are things that
15 are done routinely. No one's asking you to like the decision,
16 but what is the purpose of putting it on the Internet? What
17 does that do in terms of whether you have access or not? Is
18 it meant to intimidate the Court?

19 MR. TORRES: No, sir.

20 THE COURT: Is it meant to intimidate somebody?

21 MR. TORRES: I can tell you the exact reaction probably is
22 my best answer, Your Honor. The Falmouth police, we wrote
23 them a letter asking them to review the documents and to
24 receive their advice, not from me, not from the other counsel
25 for the defendants, but to review it.

1 The next day, the Massachusetts State House came in,
2 whoever they called, and from that point on, we have not been
3 denied access to be able to run our business and make a
4 living. If I hadn't put that up, Your Honor, we were on the
5 street. I was told by Officer Atherton that they were going
6 to have to support it and that we were going to end up being
7 evicted.

8 THE COURT: What happened there? What happened? Were you
9 part of the Falmouth --

10 MR. CARTER: I have no idea what he's talking about,
11 Judge. The Falmouth police --

12 THE COURT: Was an eviction pro -- who filed the eviction
13 process?

14 MR. CARTER: I filed a notice to quit.

15 THE COURT: Okay.

16 MR. CARTER: He's talking about, I believe, his mother
17 calling the Falmouth police --

18 THE COURT: On what issue?

19 MR. CARTER: -- as well as Elder Services. Has not -- I
20 had nothing to do with it.

21 THE COURT: Okay.

22 MR. CARTER: Detective Atherton --

23 THE COURT: For what purpose? Why did she call to --

24 MR. CARTER: My understanding is because they wanted a no
25 trespass notice. She was originally told that they were not

1 going to give a no trespass notice. They would not enforce
2 it.

3 THE COURT: The police were not going to?

4 MR. CARTER: To enforce a no trespass notice, and
5 Detective Atherton -- I'm getting this secondhand, Judge, from
6 his son -- went out and spoke to Mrs. Torres and then you can
7 read -- that's all I know. So I still don't know if there's a
8 no trespass notice or not. It has nothing to do with me,
9 although he accuses me of --

10 THE COURT: Okay. I --

11 MR. CARTER: -- calling up the Falmouth police chief
12 and --

13 MR. TORRES: It's in the pleadings, Your Honor. The two
14 orders in here. They both came from his office. They were
15 both serviced on us the same day. They -- they were
16 conflicting orders. There was one of the things I put because
17 one said that we had 90 days to vacate the premises and the
18 other --

19 THE COURT: That order was in Falmouth District Court?

20 MR. TORRES: Falmouth District Court, both of them.

21 MR. CARTER: Yeah. It's a notice to quit, Judge. That's
22 all it is.

23 MR. TORRES: One's a notice to quit, Judge, one is a no
24 trespass.

25 THE COURT: From the Court or from you?

1 MR. TORRES: It's on file, Your Honor.

2 THE COURT: But what did the Court do?

3 MR. TORRES: I'm sorry? Nothing, Your Honor. I called
4 the court, there was nothing issued by the district court.

5 Apparently what happened is they went down with the --
6 from what the police told me, and again it's -- I'm hearing
7 that from Officer Atherton -- was that the -- I -- as I had
8 asked her, all I wanted to do was they changed the locks on
9 the buildings. I said, "Cheryl, I took the locks off the
10 buildings. I'm going in there. Please talk to Henry and tell
11 him not to do that again," the person that was maintaining the
12 properties. That's it. That's all I wanted, Your Honor.

13 The day after I did that, I got not one but two orders
14 served on me.

15 THE COURT: To quit.

16 MR. TORRES: One to quit, Your Honor, no.

17 THE COURT: It's just a procedure.

18 MR. TORRES: No, Your Honor. There's also a no trespass
19 order that was served on me, and it's a record in the court.

20 THE COURT: By whom?

21 MR. TORRES: From his office.

22 THE COURT: That was notice that you can't trespass?

23 MR. TORRES: Yes, sir.

24 THE COURT: All right.

25 MR. TORRES: It said that if we were to -- if we were to

1 go on the property, the same property that we were told to
2 leave in 90 days, that we'd go to jail.

3 THE COURT: And so you have free access to the property
4 right now?

5 MR. TORRES: Yes, sir.

6 THE COURT: Okay. And you have no present objection to
7 that?

8 MR. CARTER: I can't do anything about it under the law,
9 Judge, until 90 days are up.

10 MR. TORRES: And what property? You didn't even -- the
11 notice was very unclear because it didn't say which properties
12 that we were removed from.

13 THE COURT: Well, let me just tell you. Let me just tell
14 you. You're making a case to enforce a no trespass order. If
15 the -- if your mother has legal right to that property and
16 you're creating this kind of secondary arguable harassment.

17 MR. TORRES: I haven't harassed her at all, Judge.

18 THE COURT: Well that, like beauty, is in the eyes of the
19 beholder. They feel aggrieved by it. What they're saying is
20 their personal information, "they" collectively being your
21 mother, et cetera, and the counsel for your mother, saying
22 that this is a kind of impertinent, inflammatory, incendiary
23 information that serves no purpose other than for you,
24 arguably, to be somewhat vindictive because it doesn't push
25 the ball along as to whether you have the right to possession

1 of any property or right of access to the property. It's
2 completely collateral.

3 So I have a -- I don't like what I see to be very frank
4 with you, but I'm not going to stop you from doing it, but I
5 will say that it will probably create fodder for them to be
6 able to get that prompt enforcement if, in fact, they're going
7 to argue not only the right to evict or the right to require
8 you to vacate or the right to stay away, that is not to
9 trespass, but this is the kind of stuff that may very well be
10 the backdrop that will prompt a court order, and no one's
11 asked me to take jurisdiction on that claim, and I don't want
12 to. I'm not looking for business. I've got a lot of work,
13 but you're doing it and it's -- I'm just going to tell you
14 it's defeating your primary goal. It's secondary to it. It's
15 so secondary. It's secondary.

16 MR. TORRES: (Indiscernible at 2:33:04 -- low audio.)

17 THE COURT: You have a piece of paper that you said was a
18 reason for you to receive the benefit of your father's
19 property because of -- because of things -- consideration that
20 you extended. He says it's not enforceable until the time of
21 your mother's death. You say --

22 MR. TORRES: Yes.

23 THE COURT: Hold it.

24 MR. TORRES: I'm sorry. Yes, sir.

25 THE COURT: You say differently.

1 MR. TORRES: Yep.

2 THE COURT: It's a pretty interesting issue, and that's
3 the one that you should be focusing on, not this other stuff.

4 MR. TORRES: Yes, sir. May I ask one thing, Your Honor?
5 I have a motion to maintain status quo, and if we can maintain
6 the status quo, I will be happy to take down the Internet
7 sites if we can keep it there.

8 THE COURT: No, no, no. That's -- this isn't a bizarre.

9 MR. TORRES: I understand. I just -- it was worth a try.

10 THE COURT: No, no. If you want to negotiate, you do it,
11 you negotiate, but I'm not going to that. Either you -- if
12 you have right to -- if you have the right to be able to put
13 this inflammatory stuff on the Internet and it might be one
14 that's -- that exists, I'm just cautioning you. Without me --
15 I'm not going to identify it, but let me use this word because
16 it certainly threatens other matters that are in the court.

17 MR. TORRES: Um-hmm.

18 THE COURT: It threatens other matters in the court
19 because your mother is a party in this matter. How you
20 conduct yourself, just to dress it up a little bit, Mr. Carter
21 is going to conduct himself as an attorney and as an officer
22 of the court and he's going to comply with not only all of the
23 requirements but all the traditions of the court, and there's
24 nothing to suggest he hasn't. You as a pro se are unfamiliar
25 with those, but let me just tell you that litigating matters

1 outside of the court, publicizing matters that are either
2 inflammatory, incendiary or impertinent, they may or may --
3 may not arise to a concern for the Court that would cause it
4 to issue a protective order which would then implicate a
5 collateral issue.

6 When you want this room and this robe, someone in this
7 robe, to figure out exactly what your rights are, it's
8 completely, completely collateral to it and it's distracting
9 and it's going to take up the Court's time on matters that are
10 really not significant to the issue before it.

11 MR. TORRES: Okay, Your Honor.

12 THE COURT: But it is creating a problem. So what I'm
13 doing is if you can call this a win, I'm going to deny your
14 motion, and I don't even know whether or not the particulars
15 of it would invite a protective order, but if it does, it's
16 going to create a lot of collateral problems on these other
17 issues. It will, and I'm going to expect you to understand
18 that there are certain practices and protocols that you have
19 to follow, and you should let your gut tell you what it is,
20 and it just strikes me as being absurd, if I can be frank
21 about it, that you'd be telling the world about how your
22 relationship, although it's obviously fallen into disrepair,
23 of your own son and your own mother.

24 MR. TORRES: Um-hmm.

25 THE COURT: I'm just telling you. It doesn't look right.

1 MR. TORRES: I understand that, Your Honor.

2 THE COURT: It doesn't seem right, and there's absolutely
3 no gain from that kind of activity for anything that's
4 happening in this courtroom, nothing. And it could have an
5 adverse -- I'm not -- I can't give you the metrics on it, I
6 can't figure out exactly what it is, and I don't intend to,
7 but I can tell you that -- that it's going to be an
8 unnecessary cloud on the litigation.

9 MR. CARTER: Thank you, Judge.

10 THE COURT: So motion's denied.

11 MR. CARTER: Without prejudice, please?

12 THE COURT: No, because you can renew it if there are some
13 facts and it's couched in something that's more within the --

14 MR. CARTER: That's fine.

15 THE COURT: -- jurisdiction of this session on this case.

16 MR. CARTER: That's fine.

17 THE COURT: Okay?

18 MR. CARTER: Thank you, Judge.

19 MR. TORRES: Thank you, Judge.

20 THE CLERK: Case 2010-380, Flannery versus Tinerry.
21 Attorney Enright. It's a motion to withdraw.

22 MR. ENRIGHT: Good afternoon, Your Honor.

23 THE COURT: One second, please. I'll be right there.

24 We were on --

25 THE CLERK: We are.

1 THE COURT: I'm jut going to put down discussed on record.

2 (Pause.)

3 THE COURT: I just want to make sure that this is noted
4 that we -- that the defendants' complaint may invite the
5 further issuance of a -- a future issuance of a protective
6 order, and but it's denied. The word "although." Denied
7 although.

8 THE CLERK: Okay.

9 THE COURT: Got it?

10 THE CLERK: Um-hmm.

11 (End of proceeding.)

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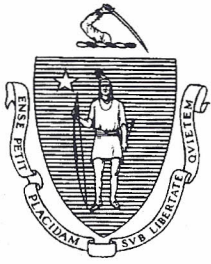
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0

02356 [1] - 1:18
02601 [1] - 1:21

1

1-31 [1] - 1:1
11 [1] - 14:16
1998 [1] - 7:13

2

2 [2] - 1:23; 11:10
2001 [1] - 14:16
2010-380 [1] - 29:20
2011 [2] - 1:23; 3:3
2011-433 [1] - 3:4
20:09:47 [1] - 4:19
270 [1] - 1:20
2:08 [1] - 3:1
2:10:18 [1] - 5:9
2:12:52 [1] - 7:21
2:13:44 [1] - 8:21
2:26:12 [1] - 19:10
2:27:39 [1] - 20:25
2:33:04 [1] - 26:16

3

30 [2] - 1:23; 3:3

5

562 [1] - 1:18

9

90 [5] - 13:1; 20:15; 23:17; 25:2, 9
90-year-old [4] - 14:20; 15:1, 15;
20:2
9A [4] - 4:13; 5:23; 6:18; 15:12

A

able [4] - 10:16; 22:3; 26:6; 27:12
absolutely [3] - 11:20; 15:25; 29:2
absurd [1] - 28:20
access [5] - 7:24; 21:17; 22:3;
25:3; 26:1
accuses [1] - 23:9
acknowledge [1] - 7:6
action [2] - 3:4; 17:18
activity [1] - 29:3
actual [1] - 9:12
ADAMS [1] - 1:7
addressing [1] - 14:21
adjudicated [1] - 12:10

admonished [1] - 15:9
adverse [2] - 18:2; 29:5
advice [1] - 21:24
afternoon [4] - 3:8-10; 29:22
aggrieved [1] - 25:19
al [2] - 3:4
allege [1] - 17:14
allow [3] - 17:10, 12, 14
allowed [1] - 9:15
allows [1] - 17:9
amend [1] - 6:8
Amendment [3] - 15:21; 17:8
answer [1] - 21:22
appeal [1] - 13:25
APPEARANCES [1] - 1:16
appearing [2] - 3:6
applied [1] - 6:11
Approved [1] - 1:25
arguable [1] - 25:16
arguably [1] - 25:24
argue [1] - 26:7
arise [1] - 28:3
assume [2] - 3:24; 15:19
Atherton [7] - 7:22; 8:10; 9:3;
22:5, 22; 23:5; 24:7
attachment [1] - 19:23
attorney [1] - 27:21
Attorney [2] - 3:7; 29:21
audio [1] - 26:16
August [2] - 1:23; 3:3
awful [1] - 10:3

B

backdrop [1] - 26:10
background [3] - 3:19; 7:21; 10:3
BACV2011-00433 [1] - 1:9
ball [1] - 25:25
BARNSTABLE [1] - 1:4
Barnstable [3] - 1:22; 9:5; 14:24
beauty [1] - 25:18
beforehand [1] - 6:10
begs [2] - 12:13; 18:5
behind [1] - 20:11
beholder [1] - 25:19
belong [1] - 19:2
benefit [1] - 26:18
best [2] - 18:8; 21:22
better [1] - 14:9
binding [1] - 11:7
bit [2] - 3:18; 27:20
bizarre [1] - 27:8
body [1] - 19:17
broke [1] - 20:24
brought [3] - 16:8; 20:1, 16
building [1] - 13:24
buildings [6] - 7:23, 25; 8:12;
21:7; 24:9
bully [1] - 15:6
business [4] - 9:16; 13:23; 22:3;
26:12

C

C.A [1] - 1:9
California [1] - 15:2
cartel [1] - 14:19
cartels [1] - 17:15
Carter [3] - 3:7; 4:11; 27:20
CARTER [42] - 1:20; 3:10, 12, 16;
4:5, 12, 15; 5:16, 19; 6:11, 14,
16, 18, 21, 23; 7:5; 14:8; 16:12,
15, 17, 21, 23; 17:2, 9, 19;
19:11, 14; 22:10, 14, 16, 19, 22,
24; 23:4, 11, 21; 25:8; 29:9, 11,
14, 16, 18
Case [1] - 29:20
case [19] - 3:19; 5:11; 9:25; 11:19;
12:10; 13:11, 21; 15:4, 6, 20;
16:9; 17:22, 24; 18:8; 19:8;
20:1, 8; 25:14; 29:15
cases [2] - 14:13, 22
cautioning [1] - 27:14
certain [5] - 3:13; 5:10, 21; 7:5;
28:18
certainly [1] - 27:16
certified [1] - 9:3
cetera [1] - 25:21
chance [1] - 18:8
change [2] - 11:22
changed [3] - 8:12; 21:7; 24:8
Cheryl [2] - 7:22; 24:9
chief [2] - 15:19; 23:11
chooses [1] - 14:12
CHRISTOPHER [1] - 1:14
Christopher [1] - 3:3
Cindy [1] - 1:25
Civil [1] - 3:4
claim [5] - 11:3, 16; 14:4; 20:18;
26:11
claims [3] - 4:24; 13:9; 21:12
CLERK [7] - 3:2; 4:13; 6:25;
29:20, 25; 30:8, 10
clerk [1] - 4:21
client [1] - 15:15
cloud [1] - 29:8
collateral [4] - 26:2; 28:5, 8, 16
collectively [1] - 25:20
combined [1] - 4:9
comment [2] - 15:1; 16:12
commentaries [1] - 15:13
commentary [1] - 17:4
COMMONWEALTH [1] - 1:3
communication [1] - 19:1
company [2] - 15:1; 17:13
competency [1] - 14:21
competent [3] - 19:15; 20:5
complaint [12] - 7:24; 10:22;
13:24; 16:13; 19:12-14, 23-25;
30:4
completely [3] - 26:2; 28:8
comply [1] - 27:22
computer [1] - 16:8
concern [1] - 28:3
conduct [3] - 18:19; 27:20
confidential [3] - 17:10, 23; 19:2
confines [1] - 18:20
conflicting [1] - 23:16
confusing [1] - 12:23
confusion [1] - 6:1
consider [1] - 14:5
consideration [1] - 26:19
conspiracy [1] - 14:15
continued [1] - 21:14
contract [3] - 11:7, 24; 18:11
contrary [2] - 11:25; 14:6
copy [1] - 16:4
correct [7] - 7:5; 11:7, 11, 16-17,
19
couched [1] - 29:13
counsel [2] - 21:24; 25:21
County [1] - 14:24
course [1] - 9:21
court [26] - 5:24; 7:13, 15, 17; 9:6;
10:15; 13:1, 5, 22; 14:7; 15:12;
17:5; 18:17, 21; 19:21; 24:4, 19;
26:10; 27:16, 18, 22-23; 28:1
COURT [140] - 1:4; 3:8, 11, 14, 17,
21, 24; 4:1, 3, 6, 14, 16, 18, 21,
24; 5:3, 7, 10, 15, 18, 20; 6:1, 4,
6, 13, 15, 17, 20, 22, 24; 7:1, 4,
7, 10, 14, 16, 18; 8:1, 3, 7, 9,
17, 23; 9:1, 9, 13, 17, 19, 22;
10:19, 24; 11:6, 9, 12, 15, 18,
21; 12:2, 4, 12, 15, 18, 22; 13:3,
5, 8, 15, 17, 20; 14:3; 16:2, 4, 7,
10, 14, 16, 18, 22, 24; 17:8, 17,
20; 18:1, 5, 14, 25; 19:5, 9, 13,
19, 21, 24; 20:4, 11, 14, 17, 21;
21:2, 8, 10, 20; 22:8, 12, 15, 18,
21, 23; 23:3, 10, 19, 25; 24:2,
15, 17, 20, 22, 24; 25:3, 6, 13,
18; 26:17, 23, 25; 27:2, 8, 10,
18; 28:12, 25; 29:2, 10, 12, 15,
17, 23; 30:1, 3, 9
Court [17] - 1:25; 4:13; 9:5, 12;
10:16; 12:25; 14:14, 24; 15:2, 9;
21:3, 18; 23:19, 25; 24:2; 28:3
Court's [1] - 28:9
Courtroom [1] - 1:23
courtroom [1] - 29:4
courts [1] - 21:11
create [2] - 26:5; 28:16
creating [2] - 25:16; 28:12
criminal [1] - 14:14
Crowley [1] - 1:25
custom [1] - 10:20
days [4] - 13:2; 23:17; 25:2, 9
dealing [1] - 14:11
death [2] - 11:24; 26:21
DEBTMERICA [1] - 1:11
Debtmerica [2] - 5:19; 17:14
decision [2] - 9:6; 21:15

D

decorum [2] - 18:20, 22
defamatory [3] - 14:25; 15:14, 23
defaming [1] - 17:17
defeating [1] - 26:14
defend [2] - 13:6, 24
defendant [3] - 3:7; 5:11; 14:18
defendants [3] - 5:15; 21:25
Defendants [2] - 1:12, 19
defendants' [2] - 3:12; 30:4
defended [1] - 18:9
defense [1] - 13:9
denied [4] - 22:3; 29:10; 30:6
deny [1] - 28:13
Department [3] - 7:23; 8:24; 9:4
DEPARTMENT [1] - 1:4
department [1] - 9:10
depth [1] - 18:3
describes [1] - 14:13
description [1] - 14:9
detective [1] - 22:22
Detective [1] - 23:5
difference [1] - 20:4
differently [1] - 26:25
difficult [5] - 10:10, 12, 21, 25; 20:2
direct [1] - 18:6
directed [1] - 14:15
directing [1] - 14:23
discussed [1] - 30:1
discussing [2] - 5:11, 21
dismiss [1] - 6:15
dispute [1] - 8:15
disrepair [1] - 28:22
distracting [3] - 12:5; 14:4; 28:8
distressful [1] - 15:14
district [1] - 24:4
District [4] - 12:25; 21:3; 23:19
disturb [1] - 12:9
doc [1] - 19:10
doctor [3] - 14:20; 17:12; 19:8
doctor's [1] - 19:12
doctors [1] - 14:19
doctors' [1] - 19:5
document [2] - 11:6; 20:9
documented [1] - 15:17
documents [2] - 20:8; 21:23
Donald [2] - 4:1
DONALD [1] - 1:11
done [3] - 3:18; 15:12; 21:15
down [5] - 8:15; 18:14; 24:5; 27:6; 30:1
dress [1] - 27:20
dropped [1] - 9:14
drug [2] - 14:19; 17:15

E

earth [1] - 12:4
East [1] - 1:18
educate [1] - 20:11
either [5] - 13:17; 18:7, 19; 27:11; 28:1

Elder [1] - 22:19
emotionally [1] - 15:14
end [3] - 18:10; 22:6; 30:11
enforce [4] - 13:22; 23:1, 4; 25:14
enforceable [1] - 26:20
enforcement [1] - 26:6
England [1] - 14:10
Enright [1] - 29:21
ENRIGHT [1] - 29:22
entire [2] - 11:3; 12:2
entitled [3] - 11:3, 16; 13:17
ESQUIRE [1] - 1:20
establish [1] - 10:22
estate [1] - 11:4
et [3] - 3:4; 25:21
evict [3] - 8:22; 13:1; 26:7
evicted [3] - 8:20; 21:6; 22:7
eviction [3] - 21:13; 22:12
evidentiary [1] - 4:9
ex [1] - 6:8
exact [1] - 21:21
exactly [4] - 18:3; 19:9; 28:7; 29:6
examination [1] - 19:15
example [1] - 9:22
examples [1] - 17:2
excuse [2] - 4:16; 13:15
exhibit [1] - 19:11
exhibits [2] - 1:2; 17:2
exists [1] - 27:14
expect [1] - 28:17
express [1] - 17:9
extended [1] - 26:20
extraneous [2] - 12:23; 18:23
eyes [1] - 25:18

F

face [1] - 12:22
fact [2] - 18:25; 26:6
facts [2] - 18:11; 29:13
fair [1] - 20:10
fallen [1] - 28:22
Falmouth [14] - 1:18; 7:22; 8:24; 9:3; 12:25; 15:18; 21:3, 22; 22:9, 11, 17; 23:11, 19
family [5] - 8:14; 10:3; 15:6, 15
father [1] - 11:4
father's [1] - 26:18
few [1] - 9:19
figure [2] - 28:7; 29:6
file [3] - 6:24; 13:24; 24:1
filed [15] - 4:8, 13, 22, 24; 5:8; 12:25; 14:25; 15:11; 17:4; 19:21; 20:8; 22:12, 14
files [2] - 3:16; 4:15
filing [1] - 5:24
final [1] - 5:23
fine [4] - 11:23; 15:19; 29:14, 16
finish [1] - 19:3
First [3] - 15:21; 17:8
first [2] - 7:12; 13:12
Flannery [1] - 29:20

focusing [1] - 27:3
fodder [1] - 26:5
follow [1] - 28:19
forget [2] - 19:19, 21
forward [2] - 3:21; 12:10
four [1] - 5:6
frank [3] - 13:23; 26:3; 28:20
free [1] - 25:3
freedom [1] - 15:21
front [2] - 11:1; 15:4
future [2] - 10:6; 30:5

G

gain [1] - 29:3
garbled [4] - 4:20; 5:9; 8:21; 19:10
given [2] - 11:4; 18:8
goal [1] - 26:14
government's [1] - 9:11
grand [1] - 15:5
great [1] - 14:17
guess [1] - 3:14
guided [1] - 10:19
gut [1] - 28:19

H

happy [1] - 27:6
harassed [1] - 25:17
harassment [1] - 25:16
hard [2] - 4:4; 21:13
head [2] - 6:7; 14:18
heard [2] - 6:12; 7:13
HEARING [1] - 1:14
hearing [4] - 3:3; 4:9; 5:4; 24:6
heart [2] - 11:18; 12:6
height [1] - 18:3
help [3] - 10:15; 18:23, 25
Henry [2] - 8:13; 24:10
Highway [1] - 1:18
himself [1] - 27:21
hmm [6] - 13:16; 18:4; 20:20; 27:17; 28:24; 30:10
hold [17] - 5:7, 12; 6:4, 6; 7:7; 16:4, 7; 26:23
Honor [46] - 3:9; 4:7, 17, 23; 5:5; 6:23, 25; 7:3, 9; 8:19; 10:23; 11:5, 8, 11, 20; 12:1, 7, 17, 24; 13:7, 12; 15:25; 16:19; 17:25; 18:24; 19:4, 7, 17-18, 25; 20:1, 7, 23; 21:4, 22; 22:4; 23:13; 24:1, 3, 12, 16, 18; 27:4; 28:11; 29:1, 22
HONORABLE [1] - 1:14
Honorable [1] - 3:3
hope [1] - 18:8
hopefully [1] - 10:14
House [1] - 22:1
hurt [1] - 18:16
Hyannis [1] - 1:21

idea [1] - 22:10
identify [2] - 16:10; 27:15
II [1] - 1:1
III [2] - 1:7, 17
illegal [1] - 14:6
impertinent [3] - 14:6; 25:22; 28:2
implicate [1] - 28:4
important [2] - 9:25; 10:1
incendiary [4] - 18:15; 25:22; 28:2
incite [1] - 15:5
inciteful [1] - 15:23
included [1] - 17:12
indicate [2] - 10:11; 17:13
indicating [2] - 19:12, 14
indicted [1] - 15:4
Indiscernible [7] - 4:19; 5:8; 7:21; 8:21; 19:10; 20:25; 26:16
inflammatory [3] - 25:22; 27:13; 28:2
influence [1] - 9:15
information [5] - 17:11, 13, 23; 25:20, 23
insightful [1] - 15:1
instance [1] - 14:8
instructions [1] - 4:25
insult [1] - 10:10
intend [1] - 29:6
interesting [1] - 27:2
interlocutory [1] - 3:2
international [1] - 14:14
Internet [12] - 3:13; 7:2, 10; 8:4, 6; 10:2; 20:9, 14, 21; 21:16; 27:6, 13
interrupt [3] - 8:1; 13:3, 5
intimidate [2] - 21:18, 20
invite [2] - 28:15; 30:4
involved [4] - 11:10; 15:3; 18:17
issuance [2] - 30:5
issue [10] - 11:2; 12:2; 17:20; 18:11; 20:19; 22:18; 27:2; 28:4, 10
issued [1] - 24:4
issues [1] - 28:17
issuing [1] - 18:2
items [1] - 15:17
itself [1] - 16:15
IV [1] - 1:11

J

jail [1] - 25:2
Jed [1] - 14:9
JedIII [1] - 14:9
JENNIFER [1] - 1:7
JEREMY [1] - 1:20
Jesse [2] - 3:6, 24
JESSE [3] - 1:7, 11, 17
judge [1] - 14:8
Judge [29] - 3:12; 4:12, 15; 5:17;

6:11; 7:5; 14:21; 15:5, 7-8, 13,
16, 20, 23; 16:9, 15; 17:3, 10,
16; 19:11; 22:11; 23:5, 21, 23;
25:9, 17; 29:9, 18
juris [1] - 15:2
jurisdiction [3] - 15:3; 26:11;
29:15
jury [1] - 15:5
jut [1] - 30:1

K

keep [2] - 9:7; 27:7
kind [5] - 17:21; 25:16, 22; 26:9;
29:3
knows [1] - 13:10

L

lack [1] - 14:9
last [3] - 7:19; 12:7
law [1] - 25:8
lawn [1] - 8:16
lawns [1] - 8:14
lawyer [1] - 13:6
lawyers [1] - 10:11
learned [1] - 10:2
least [2] - 11:19; 14:19
leave [2] - 20:17; 25:2
legal [1] - 25:15
letter [5] - 9:3; 14:20; 17:11;
19:12; 21:23
letters [1] - 14:19
libelous [1] - 15:16
life [1] - 17:15
linear [1] - 14:1
listen [1] - 21:11
literally [2] - 17:3; 21:6
litigants [1] - 10:15
litigating [1] - 27:25
litigation [1] - 29:8
lives [1] - 14:16
living [5] - 7:25; 13:13; 21:9, 11;
22:4
LLC [1] - 1:11
locked [1] - 7:23
locks [4] - 8:12; 21:7; 24:8
look [1] - 28:25
looking [3] - 3:22; 9:11; 26:12
lose [1] - 18:7
lost [1] - 9:17
low [1] - 26:16

M

maintain [3] - 7:20; 27:5
maintaining [1] - 24:11
marshal [1] - 18:11
Mass [1] - 9:10
MASSACHUSETTS [1] - 1:3
Massachusetts [4] - 1:18, 21-22;

22:1
matter [7] - 7:25; 12:6, 19, 22;
13:8, 10; 27:19
matters [9] - 3:2; 10:6; 12:23;
19:2; 27:16, 18, 25; 28:1, 9
mean [1] - 7:6
meant [4] - 10:10; 21:18, 20
merits [1] - 12:11
met [1] - 15:18
metrics [1] - 29:5
Middlesex [1] - 7:13
might [3] - 13:22; 21:13; 27:13
million [1] - 11:10
mind [2] - 9:20; 19:16
minute [1] - 9:4
misleading [1] - 17:13
missed [1] - 9:25
money [1] - 20:23
month [1] - 7:19
most [2] - 9:25; 10:1
mother [19] - 3:22; 8:3, 5; 10:4;
11:4, 22; 14:21; 17:11; 18:12;
19:2; 20:2, 15; 22:16; 25:15, 21;
27:19; 28:23
mother's [2] - 20:5; 26:21
MOTION [1] - 1:14
motion [24] - 3:12; 4:5, 10, 22;
5:5, 10, 21-22; 6:8, 15, 22; 7:13;
10:1; 12:25; 13:12; 16:22; 17:3;
27:5; 28:14; 29:21
motion's [1] - 29:10
motions [5] - 4:8, 15; 5:25; 8:21;
12:9
motivated [1] - 8:17
motivation [1] - 8:19
move [2] - 13:17; 21:2
mowed [1] - 8:15
mowing [1] - 8:14
MR [143] - 3:9, 12, 16, 20, 23, 25;
4:2, 5, 7, 12, 15, 17, 19, 23; 5:2,
4, 8, 13, 16, 19, 23; 6:3, 5, 11,
14, 16, 18, 21, 23; 7:3, 5, 9, 12,
15, 17, 19; 8:2, 5, 8, 10, 19, 24;
9:2, 10, 14, 18, 21; 10:18, 23;
11:5, 8, 11, 14, 17, 20; 12:1, 3,
7, 14, 17, 21, 24; 13:4, 7, 12,
16, 19; 14:2, 8; 15:25; 16:3, 6,
8, 12, 15, 17, 19, 21, 23; 17:2,
9, 19, 25; 18:4, 13, 24; 19:4, 7,
11, 14, 16, 20, 22, 25; 20:7, 13,
15, 20, 22; 21:4, 9, 19, 21;
22:10, 14, 16, 19, 22, 24; 23:4,
11, 13, 20-21, 23; 24:1, 3, 16,
18, 21, 23, 25; 25:5, 8, 10, 17;
26:16, 22, 24; 27:1, 4, 9, 17;
28:11, 24; 29:1, 9, 11, 14, 16,
18

muddled [1] - 14:4
MUSE [1] - 1:14
Muse [1] - 3:3

N

narrow [1] - 20:19
nature [1] - 17:16
need [1] - 9:5
needed [1] - 9:25
negotiate [2] - 27:10
never [1] - 15:18
New [2] - 14:10; 15:4
next [1] - 22:1
nine [2] - 6:25; 7:1
NO [1] - 1:9
nobody [1] - 9:7
noise [1] - 7:21
None [1] - 1:2
nonlawyer [1] - 10:14
noted [1] - 30:3
nothing [9] - 12:10, 17; 13:20;
22:20; 23:8; 24:3; 27:24; 29:4
notice [11] - 13:1; 21:13; 22:14,
25; 23:1, 4, 8, 21, 23; 24:22;
25:11
nub [1] - 12:2
number [5] - 5:1, 3; 6:25; 7:1;
17:21

O

objection [1] - 25:6
obviously [1] - 28:22
OF [2] - 1:3
offensive [1] - 14:6
office [3] - 9:15; 23:14; 24:21
Officer [5] - 7:22; 8:10; 9:3; 22:5;
24:7
officer [2] - 8:25; 27:21
old [1] - 20:15
one [23] - 4:16; 5:1, 3; 6:6; 10:1,
14; 11:15; 14:9, 13, 19; 16:6,
23; 17:21; 18:11; 23:16, 23;
24:13, 16; 27:3, 13; 29:23
one's [3] - 21:15; 23:23; 26:10
ones [1] - 10:1
ongoing [1] - 14:14
opinions [2] - 14:12, 22
opportunity [1] - 18:10
order [15] - 6:9, 12; 14:7; 15:8;
18:1; 21:5; 23:19; 24:19; 25:14;
26:10; 28:4, 15; 30:6
ordered [1] - 18:20
orders [4] - 13:22; 23:14, 16;
24:13
originally [2] - 8:11; 22:25
otherwise [1] - 14:6
outside [2] - 12:15; 28:1
overall [1] - 7:24
own [3] - 12:11; 28:23

P

p.m [1] - 3:1

PAGES [1] - 1:1

I-33

paper [2] - 9:23; 26:17
Parent [1] - 8:13
part [3] - 7:24; 20:2; 22:9
parte [1] - 6:8
particular [1] - 20:9
particulars [2] - 21:10; 28:14
parties [3] - 5:10, 21; 15:20
party [1] - 27:19
path [1] - 14:1
Pause [3] - 5:14; 17:7; 30:2
people [3] - 10:14; 12:16; 15:22
people's [1] - 21:12
period [1] - 19:17
person [2] - 21:13; 24:11
personal [1] - 25:20
piece [1] - 26:17
pile [1] - 6:7
Plaintiff [1] - 3:13
Plaintiffs [3] - 1:8, 17; 4:6
plaintiffs [3] - 5:11; 14:15, 17
plaintiffs' [2] - 5:20; 6:8
plead [1] - 10:12
pleading [1] - 10:20
pleadings [13] - 4:4; 8:8; 10:9;
14:25; 16:11, 14, 16, 18, 20-21,
25; 23:13
point [3] - 11:15; 12:18; 22:2
Police [3] - 7:22; 8:24; 9:4
police [9] - 9:10; 13:21; 15:18;
21:22; 22:11, 17; 23:3, 11; 24:6
possession [1] - 25:25
possibility [1] - 10:7
post [1] - 17:10
posting [7] - 7:2, 10, 15; 8:3, 5, 7;
10:2
practice [1] - 10:20
practices [1] - 28:18
practised [1] - 10:12
prejudice [1] - 29:11
premises [2] - 13:13; 23:17
present [1] - 25:6
presently [1] - 5:16
presiding [1] - 3:4
press [1] - 11:16
pretty [3] - 9:22; 11:3; 27:2
primary [1] - 26:14
private [1] - 14:10
privately [1] - 18:16
PRO [1] - 1:17
pro [7] - 3:6; 10:13, 15; 20:24;
22:12; 27:24
probate [1] - 10:6
problem [3] - 14:23; 15:17; 28:12
problems [1] - 28:16
procedure [2] - 10:20; 24:17
proceeding [2] - 10:7; 30:11
process [1] - 22:13
processes [3] - 10:16; 18:18
produced [1] - 1:25
prohibited [1] - 13:13
prohibiting [1] - 21:5

prompt [2] - 26:6, 10
 properly [1] - 15:17
 properties [6] - 8:14, 20; 11:9;
 20:23; 24:12; 25:11
 property [12] - 9:7; 13:18; 20:18;
 21:6; 25:1, 3, 10, 15; 26:1, 19
 prosecute [2] - 13:9
 protect [2] - 15:22; 20:22
 protective [5] - 18:1; 28:4, 15;
 30:5
 protects [1] - 15:21
 protocols [1] - 28:18
 publication [1] - 17:21
 publications [1] - 3:13
 publicizing [1] - 28:1
 published [1] - 17:6
 purport [1] - 11:6
 purpose [5] - 18:6; 20:11; 21:16;
 22:23; 25:23
 push [1] - 25:24
 put [8] - 14:19; 20:7, 14; 21:5;
 22:4; 23:16; 27:12; 30:1
 puts [2] - 15:10, 13
 putting [3] - 12:12, 20; 21:16

Q

quietly [1] - 7:20
 Quinlan [1] - 15:8
 quit [6] - 13:1; 22:14; 23:21, 23;
 24:15
 quite [1] - 3:18
 quo [6] - 7:20; 9:7; 12:9, 25; 27:5

R

ramble [1] - 15:23
 rambling [1] - 15:22
 ramblings [1] - 14:22
 ratchet [1] - 15:6
 rather [1] - 18:21
 reaction [1] - 21:21
 read [4] - 3:14; 6:20; 9:24; 23:7
 real [1] - 11:18
 really [1] - 28:10
 reason [3] - 19:17; 20:1; 26:18
 reasons [1] - 19:19
 receive [2] - 21:24; 26:18
 received [1] - 12:24
 record [5] - 7:15, 17; 9:12; 24:19;
 30:1
 ref [1] - 19:9
 refer [1] - 16:24
 regarding [1] - 14:20
 related [2] - 9:2; 17:22
 relationship [1] - 28:22
 relative [1] - 8:13
 removed [1] - 25:12
 renew [1] - 29:12
 represent [2] - 5:16; 14:18
 representing [2] - 5:15; 10:14

require [2] - 18:19; 26:7
 requirements [1] - 27:23
 resolved [2] - 10:6
 respectfully [2] - 6:14; 15:8
 response [1] - 5:4
 rest [3] - 13:10; 15:15; 20:4
 restrain [4] - 3:12; 5:10, 21; 21:14
 restraining [4] - 6:9, 12; 21:5
 restraint [1] - 17:20
 result [1] - 13:25
 review [2] - 21:23, 25
 rights [2] - 21:2; 28:7
 ripen [1] - 11:24
 robe [2] - 28:6
 room [1] - 28:6
 route [1] - 18:6
 routinely [1] - 21:15
 rules [1] - 10:20
 rulings [1] - 21:12
 run [2] - 9:16; 22:3
 running [2] - 15:13; 17:4

S

scheduled [1] - 6:19
 scream [1] - 12:15
 se [6] - 3:6; 10:13, 15; 20:24;
 27:24
 SE [1] - 1:17
 second [5] - 8:1; 13:3, 15; 19:22;
 29:23
 secondary [4] - 25:16; 26:14
 secondhand [1] - 23:5
 see [4] - 7:16; 8:13; 16:9; 26:3
 seem [1] - 29:2
 sending [1] - 5:24
 sense [1] - 12:19
 sent [2] - 6:18; 17:5
 served [3] - 5:17; 24:14, 19
 serves [1] - 25:23
 serviced [1] - 23:15
 Services [1] - 22:19
 session [1] - 29:15
 show [2] - 12:8; 14:24
 significant [1] - 28:10
 simple [5] - 8:20; 12:22, 24;
 13:12; 18:6
 simultaneous [1] - 21:1
 site [2] - 14:11, 24
 sites [5] - 14:8, 13; 15:10; 16:1;
 27:7
 someone [1] - 28:6
 somewhat [1] - 25:24
 son [6] - 3:25; 4:1; 10:5; 20:18;
 23:6; 28:23
 SOPHIE [1] - 1:10
 Sophie [5] - 3:22; 5:19; 7:1; 14:20;
 19:14
 sorry [6] - 4:6; 10:23; 16:17; 24:3;
 26:24
 soul [2] - 11:18; 12:6
 sound [1] - 19:16

specific [1] - 18:20
 specifically [1] - 5:5
 speech [4] - 4:20; 8:21; 15:21;
 19:10
 speech) [2] - 5:9; 21:1
 ss [1] - 1:4
 start [1] - 12:4
 State [1] - 22:1
 state [1] - 9:11
 statements [2] - 5:6; 19:5
 status [6] - 7:20; 9:7; 12:9, 25;
 27:5
 stay [2] - 13:13; 26:8
 still [2] - 18:5; 23:7
 stop [3] - 10:2; 15:6; 26:4
 storm [1] - 4:8
 straight [1] - 14:1
 Street [1] - 1:20
 street [4] - 10:13, 17, 19; 22:5
 strike [3] - 4:10, 22; 5:5
 strikes [1] - 28:20
 struggle [1] - 10:3
 stuff [5] - 15:10; 17:3; 26:9; 27:3,
 13
 substantial [3] - 11:2, 12; 14:3
 successful [1] - 14:16
 suggest [1] - 27:24
 sum [1] - 11:13
 summary [1] - 11:9
 SUPERIOR [1] - 1:4
 Superior [2] - 9:5; 14:24
 support [1] - 22:6

T

talks [2] - 14:17, 21
 tangential [1] - 12:5
 temporary [1] - 21:5
 terms [2] - 13:8; 21:17
 territory [1] - 10:25
 THE [147] - 1:4, 14; 3:2, 8, 11, 14,
 17, 21, 24; 4:1, 3, 6, 13-14, 16,
 18, 21, 24; 5:3, 7, 10, 15, 18,
 20; 6:1, 4, 6, 13, 15, 17, 20, 22,
 24-25; 7:1, 4, 7, 10, 14, 16, 18;
 8:1, 3, 7, 9, 17, 23; 9:1, 9, 13,
 17, 19, 22; 10:19, 24; 11:6, 9,
 12, 15, 18, 21; 12:2, 4, 12, 15,
 18, 22; 13:3, 5, 8, 15, 17, 20;
 14:3; 16:2, 4, 7, 10, 14, 16, 18,
 22, 24; 17:8, 17, 20; 18:1, 5, 14,
 25; 19:5, 9, 13, 19, 21, 24; 20:4,
 11, 14, 17, 21; 21:2, 8, 10, 20;
 22:8, 12, 15, 18, 21, 23; 23:3,
 10, 19, 25; 24:2, 15, 17, 20, 22,
 24; 25:3, 6, 13, 18; 26:17, 23,
 25; 27:2, 8, 10, 18; 28:12, 25;
 29:2, 10, 12, 15, 17, 20, 23, 25;
 30:1, 3, 8
 themselves [1] - 10:14
 thing's [1] - 9:4
 thinks [1] - 15:11

threatened [1] - 17:15 I-34
 threatening [1] - 14:16
 threatens [2] - 27:16, 18
 throwing [1] - 12:21
 thrown [1] - 20:22
 tight [1] - 13:14
 Tinerry [1] - 29:20
 today [4] - 3:11; 4:12; 6:15, 22
 took [3] - 8:24; 12:8; 24:9
 Torres [10] - 3:4-6, 17; 4:2, 15;
 5:19; 14:20; 19:15; 23:6
 TORRES [107] - 1:7, 10-11, 17;
 3:9, 20, 23, 25; 4:2, 7, 17, 19,
 23; 5:2, 4, 8, 13, 23; 6:3, 5; 7:3,
 9, 12, 15, 17, 19; 8:2, 5, 8, 10,
 19, 24; 9:2, 10, 14, 18, 21;
 10:18, 23; 11:5, 8, 11, 14, 17,
 20; 12:1, 3, 7, 14, 17, 21, 24;
 13:4, 7, 12, 16, 19; 14:2; 15:25;
 16:3, 6, 8, 19; 17:25; 18:4, 13,
 24; 19:4, 7, 16, 20, 22, 25; 20:7,
 13, 15, 20, 22; 21:4, 9, 19, 21;
 23:13, 20, 23; 24:1, 3, 16, 18,
 21, 23, 25; 25:5, 10, 17; 26:16,
 22, 24; 27:1, 4, 9, 17; 28:11, 24;
 29:1, 19
 totally [1] - 12:5
 towards [1] - 18:11
 traditions [1] - 27:23
 Transcriber [1] - 1:25
 Transcript [1] - 1:25
 treated [1] - 12:16
 trespass [11] - 13:4; 21:14; 22:25;
 23:1, 4, 8, 24; 24:18, 22; 25:14;
 26:9
 TRIAL [1] - 1:4
 tried [2] - 7:19; 20:9
 triple [1] - 14:9
 troubling [1] - 20:6
 true [1] - 17:19
 try [1] - 27:9
 trying [4] - 7:20; 10:22; 15:3, 5
 two [9] - 5:16; 8:21; 10:13, 17, 19;
 14:8; 16:1; 23:13; 24:13
 two-way [3] - 10:13, 17, 19

U

um-hmm [6] - 13:16; 18:4; 20:20;
 27:17; 28:24; 30:10
 uncle [2] - 4:2; 14:17
 unclear [1] - 25:11
 under [1] - 25:8
 understood [1] - 18:22
 unfairly [1] - 12:16
 unfamiliar [1] - 27:24
 unnecessary [1] - 29:8
 unproductive [1] - 9:23
 untrue [1] - 15:25
 up [15] - 6:14; 7:21; 11:1; 14:4;
 15:6; 18:14; 20:1, 16; 21:5;
 22:4, 6; 23:11; 25:9; 27:20; 28:9

upwards [1] - 11:10
uses [1] - 9:8

V

vacate [2] - 23:17; 26:8
value [1] - 11:10
verbatim [1] - 8:24
verified [2] - 5:20; 6:8
versus [2] - 3:4; 29:20
view [2] - 11:25; 13:21
views [3] - 13:21; 17:10
vigorously [1] - 18:9
vindictive [1] - 25:24
virtual [1] - 13:10
VOLUME [1] - 1:1

W

wait [1] - 9:4
wants [2] - 15:18
Waquoit [1] - 1:18
war [1] - 9:23
Watchdog [1] - 14:10
Web [1] - 19:6
web [5] - 14:8, 11, 13, 24; 15:10
website [2] - 9:11; 14:10
well-understood [1] - 18:22
whole [1] - 9:4
width [1] - 18:3
win [2] - 18:7; 28:13
Winter [1] - 1:20
withdraw [1] - 29:21
woman [1] - 15:1
word [3] - 18:14; 27:15; 30:6
world [4] - 13:10; 14:23; 20:5;
28:21
worth [2] - 11:10; 27:9
would've [1] - 10:1
write [2] - 14:12; 15:18
writing [2] - 14:5, 11
wrote [2] - 9:3; 21:22

Y

years [1] - 20:15
York [1] - 15:4
yourself [3] - 10:15; 18:20; 27:20