

COMMONWEALTH OF MASSACHUSETTS  
COMMISSION AGAINST DISCRIMINATION

MCAD Docket: 22BPA00184

-----  
IMRE KIFOR, )  
Complainant, )  
v. )  
MIDDLESEX PROBATE & FAMILY COURT, )  
Respondents. )  
-----

**COMPLAINANT'S APPEAL AND MOTIONS TO AMEND COMPLAINT AND TO  
REMOVE TO SUPERIOR COURT**

NOW COMES the Complainant, ("Father"), and respectfully states:

1. Father has not received any opposition from the Respondents, ("Family Court"), in these discrimination & retaliation matters.
2. Father emailed and mailed the herein attached letter/informal complaint titled "*Systemic Child-Predatory Discriminations And Civil Rights Violations In Family Court*" to MCAD on 12/6/2021.
3. Father specifically stated in that complaint that "*Through discrimination based on color, sex, and national origin, and by purposely violating my free speech, equal protection and due process rights, the Family Court a) deliberately allowed the fabrication of infantile, dogmatic and forever intractable 'high*

*conflicts' within the protected 'judicial processes,' b) forcefully silenced my claims and evidences for colluded 'out-of-court' malicious defamations and conspiring sexual harassments, c) sadistically and fully denied all my contacts with my children based on now documented and purposeful subornation of perjury on children by an ARC, d) retaliated against my complaints for discrimination and civil rights violations by sentencing me to jail, despite my filed affidavits of indigency, e) interfered with my employment through systemic 'mental health' defamations and sustained 'toxic masculinity' discriminations, f) aided and abetted stereotypical discriminations against me by refusing my 'free speech' right of petitioning the government to investigate deliberate systemic fraud, g) blatantly discriminated against an induced-handicapped person by refusing access to the court, and then issuing a retaliatory capias against an already accepted indigent person."*

4. The mailed packet also contained Father's herein re-attached "Second Amended Complaint For Systemic Discriminations And Civil Rights Violations" filed in the Superior Court on 12/2/2021, and supported by Father's "Memorandum Of Law Re: Systemic Long-Term Child-Predatory Discriminations In Family Court" (see exhibits).

5. In the active Superior Court case (#2181CV00921), Father has been specifically claiming/documenting ongoing violations of all aspects of G.L.c 151B employment discriminations & retaliations.

**6. Father is therefore requesting MCAD to allow the amending of his complaint with G.L.c 151B discriminations and retaliations.**

7. In fact, Father has desperately appealed the orders by Family Court and filed his *"Motion For Third Amended Complaint Due To Threatened And Imminent Silencing Jail Sentence"* in the Superior Court on 1/14/2022 also supported by a supplemental memorandum.

8. Nevertheless, Father was informed during the MCAD intake on 1/25/2022 that the allocated 1 hour was only enough to file a thus agreed upon "initial" complaint, as Father would later be allowed to properly amend any such already docketed document.

9. During the referenced 1/21/2022 court hearing, Family Court released the arrested Father & took matters "under advisement."

10. While Father was waiting for Family Court's decisions to include into his motion to amend, MCAD promptly *"determined after a preliminary review of [Father's] complaint that further investigation will not serve the public interest"* on 2/28/2022.

11. The preliminary review specifically emphasizes Father having been (prior to 1986) a "Hungarian minority in Romania," and then

predictably claims *"Additionally, based on the present facts, Complainant fails to articulate a basis for how his national origin creates a reasonable inference of discrimination."*

12. Understanding how nationalistic discrimination works in communist tyrannies, Father has specifically avoided identifying his national origin with anything more than **"not Romanian."** In fact, the "Hungarian" only came up when Father responded to the MCAD interviewer's direct question "if not Romanian, then what?"

13. The original **"Father is Romanian" fabrication** (i.e. the insinuated reason for the barbaric "Romanian Orphans" tragedy widely publicized on TV) has been maintained by Family Court since the 2011 fraudulent and child-predatory GAL investigation.

14. Through the years, Father has consistently pointed to the fact that the US granted political asylum to Father in 1986 exactly because he was "not Romanian, not Hungarian, not German, etc.," as per the specific literal denials from those countries.

**15. Father is therefore appealing the MCAD preliminary review on the basis of continued institutionalized "ignorant immigrant" discriminations, by deliberately insinuating a "crazed Eastern-European nationalist," despite the provided factual allegations.**

16. Further ignoring Father's relevant submissions, the MCAD preliminary review then claims *"Investigating this matter would require a review of Respondent's processes and handling of matters concerning child custody and child support, ensuing judgements involving child support payments, court rules related to convening hearings and Complainant's ability to pay child support, none of which is appropriately within the purview of the Commission, especially given the existence of judicial review, court rules, the guidelines and statutory schemes overseeing child support payments, and **the process of appeal available** [emphasis added] within the Trial Courts"*.

17. To preserve the facts contradicting the above unverified MCAD assumptions, Father is attaching his *"Emergency Petition For Relief In The Nature Of Certiorari Pursuant To G.L.c. 249, § 4"* filed in the Supreme Judicial Court on 1/31/2022.

18. The essence of the petition is Father's claim that Family Court deliberately sabotaged for years the "available" process of appeal, only to cover up the allowed deeply child-predatory fraud and deliberate discriminations (based on color, sex and national origin). And to retaliate against the whistleblower, Family Court continues to threaten (and to coerce into slavery)

Father's employment with orders & judgments maintained without jurisdiction (i.e. trial courts have no appeals jurisdictions).

19. Father further notes that Family Court has not responded to Father's proper petition (#SJ-2022-0041) with any oppositions.

**20. Father is therefore hereby requesting MCAD to remove these discrimination matters (that are not "appropriately within the purview of the Commission") to active dockets in either Superior or Supreme Judicial Courts for further review and prosecution.**

21. Father based his SJC petition on the facts that reviewing the alleged parallel **"Conspiracy To Silence And To Enslave"** is currently not possible in either Family or the Appeals Courts.

22. The deeply child-abusive conspiracy nevertheless exists, as the original conspirators, Mss. Duchesne and Oulton, either:

22.a) declined to file an Appellee's Brief (despite demanding from the Family Court to *"order that the Father cease all attempts to contact the children"* as recently as 1/21/2022, and as per a therefore void judgment), or,

22.b) *"[Ms. Oulton's Appellee's] Brief is disingenuous when claiming that 'parenting time is still available to [Father] yet he chooses to not partake' considering that Father has now attempted to call all his dear children*

**1,360+ times** over the internet with the Mothers'

knowledge", as Father filed in Appellant's Reply Brief.

23. The employment-related outcomes of this long-term conspiracy to discriminate are summarized in Father's attached Rule 60 dual "Motions For Relief From Parallel Orders" filed on 2/28/2022.

24. Father's therefore **forced indigency** (by Family Court) has resulted in a now **\$255,000+** in-arrears child supports/expenses.

25. As per the attached "Job applications for 3/9/2022" email to Family Court (along with the upcoming similar 3/16/2022 report), Father has so far submitted an obsessive ~100 job applications.

26. The feedback that Father has received from his applications is expected, unsurprising and logical: "you are not judged on technical merits by engineers, you are judged purely on legal merits (and risks) of your open lawsuits, and only by lawyers."

27. The whistleblower Father has been vocal about the child-predatory and discriminatory practices allowed in Family Court (see his relentless "Dr. Deutsch, An American Dr. Mengele From Harvard" published open letters to local & national officials).

28. Before suing the Commonwealth and Family Court in Superior Court, Father had submitted 42 complaints to AGO, BBO, CJC, etc.

**29. Father is therefore requesting MCAD to allow him to extend the Respondents of his complaint with the Commonwealth, AG Maura Healy (in her official capacity), and Mss. Duchesne and Oulton.**

WHEREFORE, Father respectfully requests that this Commission (MCAD) grant him:

- a) a material opportunity to amend his original complaint,
- b) an extension of Respondents to include the Commonwealth, Attorney General Maura Healy (in her official capacity), as well as Mss. Barbara A. Duchesne and Cynthia S. Oulton,
- c) an appeal of the preliminary review dated 2/28/2022, and
- d) the removal of the systemic discrimination and retaliation matters to Father's active Superior Court (#2181CV00921) or Supreme Judicial Court dockets (#SJ-2022-0041).

Signed under the pains and penalties of perjury.

March 13, 2022

Respectfully submitted,

/s/ Imre Kifor  
Imre Kifor, Pro Se  
32 Hickory Cliff Rd.  
Newton, MA 02464  
[ikifor@gmail.com](mailto:ikifor@gmail.com)

I have no phone  
I have no valid driver's license  
I no longer have a stable physical address



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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that true copies of the above Appeal And Motions To Amend Complaint And To Remove To Superior Court and 294 pages of exhibits were this day served upon Respondents by emailing same to:

Evelyn Y. Tang (for Middlesex Probate & Family Court)  
Assistant Attorney General  
One Ashburton Place  
Boston, MA 02108  
(617) 963-2905  
[evelyn.tang@mass.gov](mailto:evelyn.tang@mass.gov)

Michael G. Xavier (for Barbara A. Duchesne)  
One International Place, Suite 3700  
Boston, MA 02110  
BBO #644844  
(617) 456-8000  
[mxavier@princelobel.com](mailto:mxavier@princelobel.com)

Cynthia S. Oulton, Pro Se  
(617) 281-0753  
[cynoulton@gmail.com](mailto:cynoulton@gmail.com)

Signed under the pains and penalties of perjury.

March 13, 2022

/s/ Imre Kifor  
Imre Kifor, Pro Se  
32 Hickory Cliff Rd.  
Newton, MA 02464  
[ikifor@gmail.com](mailto:ikifor@gmail.com)

I have no phone  
I have no valid driver's license  
I no longer have a stable physical address

Imre Kifor  
718 Main St.  
Acton, MA 01720  
[ikifor@gmail.com](mailto:ikifor@gmail.com)  
I have no phone

December 6, 2021

Mass. Commission Against  
Discrimination (MCAD)  
1 Ashburton Place  
Suite 601  
Boston, MA 02108

Office for Civil Rights  
Office of Justice Programs  
U.S. Department of Justice  
810 Seventh Street NW  
Washington, DC 20531

### **Systemic Child-Predatory Discriminations And Civil Rights Violations In Family Court**

Dear Respected MCAD,  
Dear Respected OCR,

This complaint for discriminations and civil rights violations is directed at the Middlesex Probate & Family Court and is supported by all filed pleadings, affidavits and extensive 10+ years of evidence.

For reasons due to my forced indigency, I have attempted to email the relevant documents. Respectfully following the directions I received, I hereby also mailed the summary of my complaints. Nevertheless, this shortened complaint still fully incorporates, by reference, all aspects of the attached main documents filed in the Middlesex Superior Court, the US District Court, Boston, the Mass. Appeals Court, the Mass. Attorney General's Office, Civil Rights Div., and the Mass. Commission On Judicial Conduct.

Through extensive supporting and already filed evidence I allege that the Middlesex Probate & Family Court has deliberately and systemically discriminated against me based on color, sex and national origin.

As the Family Court had directly and punitively controlled all aspects of my work and thus my physical existence, in order to forcefully silence my whistleblower complaints about the allowed and documented **deeply child-predatory abuses**, I allege that the Family Court has become my *de facto* employer.

The Mass. Probate & Family Court (the proud recipient of the National Child Support Enforcement Association award for 2021) prioritizes drawing down at the "highest possible rate of reimbursement" from the federal Child Support Enforcement Program (CSE). Maximum child support orders can only be attained by **fully, forcefully and perpetually separating children** from their "nonresident parents." To achieve the maximum state "profits" from federal funds, the Family Court has done that to my children.

Through discrimination based on color, sex, and national origin, and by purposely violating my free speech, equal protection and due process rights, the Family Court a) deliberately allowed the fabrication of infantile, dogmatic and forever intractable "high conflicts" within the protected "judicial processes,"

b) forcefully silenced my claims and evidences for colluded “out-of-court” malicious defamations and conspiring sexual harassments, c) sadistically and fully denied all my contacts with my children based on now documented and purposeful subornation of perjury on children by an ARC, d) retaliated against my complaints for discrimination and civil rights violations by sentencing me to jail, despite my filed affidavits of indigency, e) interfered with my employment through systemic “mental health” defamations and sustained “toxic masculinity” discriminations, f) aided and abetted stereotypical discriminations against me by refusing my “free speech” right of petitioning the government to investigate deliberate systemic fraud, g) blatantly discriminated against an induced-handicapped person by refusing access to the court, and then issuing a retaliatory capias against an already accepted indigent person, etc.

Through extensive supporting and already filed evidence I allege that the Middlesex Probate & Family Court has deliberately and systemically violated my free speech, equal protection and due process rights in order to cover up systemic and routine discriminations and now documented fraud-on-court schemes.

The Middlesex Probate & Family Court has effectively turned me into a “**white slave**,” fully silenced, with absolutely no rights afforded, nor any compensation for work completed, while also maximizing their child-predatory profits from federal resources through now documented **falsified docket records**.

Respectfully,  
/s/ Imre Kifor, Pro Se

Enclosure



Imre Kifor &lt;ikifor@gmail.com&gt;

## Systemic child-predatory discriminations and civil rights violations in Family Court

Imre Kifor &lt;ikifor@gmail.com&gt;

Thu, Dec 2, 2021 at 11:54 AM

To: mcad@mass.gov, ago@state.ma.us, USAMA.CivilRights@usdoj.gov, "Tang, Evelyn (AGO)" <evelyn.tang@state.ma.us>

Cc: "Xavier, Michael" <mxavier@princelobel.com>, Cyndi Oulton <cynoulton@gmail.com>, "Koslowsky, Lauren" <lkoslowsky@princelobel.com>, "Darcy, Brittany" <bdarcy@princelobel.com>

Bcc: quintessre@gmail.com, ofkifor@gmail.com

Dear MCAD, Dear OCR,

I am ready to file formal complaints in addition to my attached amended/renewed complaints filed in the Middlesex Superior and US District Courts, and 9 volumes of evidence filed in the Mass. Appeals Court.

Please let me know how to proceed.

Thank you,  
Imre Kifor, Pro Se

On Nov 26, 2021, at 9:25 AM, MCAD <[notifications@appointlet.com](mailto:notifications@appointlet.com)> wrote:



**Your booking has been confirmed!**

**Thank you for scheduling an intake interview with an MCAD Investigator.**

[Traducción Española](#), [中文翻译](#), [Tradução portuguesa](#), [Bản dịch tiếng Việt](#),  
[Русский перевод](#), [Tradiksyon Kreyòl Ayisyen](#)

This email confirms your telephone intake appointment. You will receive a call at

the date and time indicated below. **Please be aware that our staff may be working from home and you may receive a call from a blocked or unlisted number.** If you do not answer the phone after two attempts to reach you, the investigator will email you to inform you that you have missed the intake interview, and that you must book a new intake interview at a later date and time.

The Intake Interview is scheduled for approximately one hour. **Please prepare the following information for the interview.**

We recommend that you write out a mini timeline of what happened in chronological order. If possible, please provide specific dates or periods of time when the discriminatory conduct occurred. Please also provide:

- \* Write out a mini timeline of what happened in chronological order
- \* Provide specific dates or periods of time when the discriminatory conduct occurred.
- \* List full names of the Respondents (The Business, Employer or Landlord and/or name of the person who you believe discriminated against you)
- \* Include the correct mailing address of the company, and telephone number
- \* Dates that the discriminatory conduct occurred.
- \* The names of any witnesses.
- \* Did you or someone else report the discriminatory conduct to anyone?
- \* If yes, who was told, what specifically was said when reporting the conduct, when was it reported, did the conduct continue after the report, and did anyone take any actions to address the discrimination?
- \* For claims related to a medical condition or disability, be prepared to tell us the specific diagnosis for your disability/condition.
- \* Did you make a request for an accommodation related to the disability/condition, be prepared to tell us when the accommodation was requested, what specifically was said when requesting the accommodation.
- \* Response you received, whether the specific accommodation was granted, and whether a different accommodation was granted.

If you need to cancel or reschedule your intake interview, please click on the "reschedule/cancel" link below. If you have any questions or are experiencing technical difficulties, please [email mcad@mass.gov](mailto:mcad@mass.gov) for assistance.

**TIME**

US/Eastern

Tue, Jan. 25, 2022, 2:40 p.m. - 3:40 p.m.

[Cancel / Reschedule](#)**LOCATION**

An MCAD investigator will call you at the phone number you provide.

**MEETING TYPE**

MCAD Intake Interview

**INVESTIGATOR**

Investigator C

## INFORMATION

<b>Email:</b>	ikifor@gmail.com
<b>First Name:</b>	Imre
<b>Last Name:</b>	Kifor
<b>Phone Number:</b>	I don't have a phone
<b>Street Address:</b>	718 Main St.
<b>City, State and Zip Code:</b>	Acton, MA 01720
<b>Do you need an interpreter?:</b>	No interpreter needed.
<b>Can we call you sooner if there is a cancellation?:</b>	Yes
<b>Terms and Conditions Agreement:</b>	True

## Appointlet

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**7 attachments**

**OCR.pdf**  
452K



**21-12-02.pdf**  
74K



**02-Amended-Complaint.pdf**  
134K



**03-Memorandum-Of-Law.pdf**  
287K



**03-Renewed-Complaint.pdf**  
133K



**21-12-01.pdf**  
87K



**01-Motion-To-Stay-B.pdf**  
2680K





Imre Kifor &lt;ikifor@gmail.com&gt;

---

**RE: Systemic child-predatory discriminations and civil rights violations in Family Court**

---

**MCAD (CAD)** <mcad@state.ma.us>  
To: Imre Kifor <ikifor@gmail.com>

Thu, Dec 2, 2021 at 12:20 PM

**\*\*Auto-Response\*\***

Thank you for contacting the MA Commission Against Discrimination (MCAD), the enforcers of the Commonwealth's anti-discrimination laws. You can file a case if you believe you were treated differently or unfairly (aka discrimination) based on your identity as a member of a protected class (such as your age, race, disability status, national origin, gender, sexual orientation, etc.). **The MCAD does not accept new complaints via email.**

Due to the COVID-19 Health Crisis, the MCAD offices are closed to the public. If you do not have an attorney, you may schedule a phone consultation with an investigator by using the Intake Scheduling Portal on our website: <https://www.mass.gov/file-a-complaint-of-discrimination>

Please keep in mind that in most cases, you have 300 days from the last discriminatory act to file a Complaint (or 6 months for Educational Admissions Complaints). Complaints filed at the MCAD will be investigated by an MCAD staff member. During the investigation, the MCAD does not represent you in a legal capacity. This investigation takes on average 18-22 months to complete.

For more information on the temporary emergency changes to the MCAD processes and procedures, visit the MCAD COVID Information & resource center: <https://www.mass.gov/guides/mcad-covid-19-information-resource-center>

Thank you,

H Harrison (He/Him)

Assistant to the Commissioners

## MA Commission Against Discrimination

[www.mass.gov/mcad](http://www.mass.gov/mcad)

---

**From:** Imre Kifor <[ikifor@gmail.com](mailto:ikifor@gmail.com)>

**Sent:** Thursday, December 2, 2021 11:54 AM

**To:** MCAD (CAD) <[MCAD@mass.gov](mailto:MCAD@mass.gov)>; Email Correspondence (AGO)

<[ago@MassMail.State.MA.US](mailto:ago@MassMail.State.MA.US)>; [USAMA.CivilRights@usdoj.gov](mailto:USAMA.CivilRights@usdoj.gov); Tang, Evelyn (AGO)

<[evelyn.tang@mass.gov](mailto:evelyn.tang@mass.gov)>

**Cc:** Xavier, Michael <[mxavier@princetonobel.com](mailto:mxavier@princetonobel.com)>; Cyndi Oulton <[cynoulton@gmail.com](mailto:cynoulton@gmail.com)>; Koslowsky,

Lauren <[lkoslowsky@princetonobel.com](mailto:lkoslowsky@princetonobel.com)>; Darcy, Brittany <[bdarcy@princetonobel.com](mailto:bdarcy@princetonobel.com)>

**Subject:** Systemic child-predatory discriminations and civil rights violations in Family Court

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear MCAD, Dear OCR,

I am ready to file formal complaints in addition to my attached amended/renewed complaints filed in the Middlesex Superior and US District Courts, and 9 volumes of evidence filed in the Mass. Appeals Court.

Please let me know how to proceed.

Thank you,

Imre Kifor, Pro Se



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7 POST OFFICE SQ  
ACTON, MA 01720-9998  
(800)275-8777

12/06/2021 01:16 PM

Product	Qty	Unit Price	Price
First-Class Mail® Large Envelope Washington, DC 20531 Weight: 0 lb 8.60 oz Estimated Delivery Date Fri 12/10/2021	1		\$2.76
First-Class Mail® Large Envelope Boston, MA 02108 Weight: 0 lb 8.60 oz Estimated Delivery Date Thu 12/09/2021	1		\$2.76
Grand Total:			\$5.52
Credit Card Remitted			\$5.52
Card Name: VISA Account #: XXXXXXXXXXXX9697 Approval #: 08536G Transaction #: 357 AID: A0000000031010 Chip AL: VISA CREDIT PIN: Not Required CAPITAL ONE VISA			

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(800)275-8777

12/06/2021 09:51 AM

Product	Qty	Unit Price	Price
First-Class Mail® Large Envelope Lowell, MA 01852 Weight: 0 lb 6.30 oz Estimated Delivery Date Thu 12/09/2021	1		\$2.36
Grand Total:			\$2.36
Credit Card Remitted			\$2.36
Card Name: VISA Account #: XXXXXXXXXXXX9697 Approval #: 01626G Transaction #: 498 AID: A0000000031010 Chip AL: VISA CREDIT PIN: Not Required CAPITAL ONE VISA			

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UFN: 240051-0720  
Receipt #: 840-50180087-3-5639206-2  
Clerk: 07

EXH 000019

**The Commonwealth of Massachusetts  
Commission Against Discrimination  
One Ashburton Place, Rm. 601, Boston, MA 02108  
Phone: (617) 994-6000 Fax: (617) 994-6024**

MCAD DOCKET NUMBER: 22BPA00184  
FILING DATE: 01/25/22

EEOC/HUD CHARGE NUMBER:  
VIOLATION DATE: 01/21/22

Name of Aggrieved Person or Organization:

Imre Kifor  
32 Hickory Cliff Road  
Newton Upper Fa, MA 02464  
ikifor@gmail.com

Named is the employer, labor organization, employment agency, state/local government agency, or other entity who discriminated against me:

Middlesex Probate and Family Court North - Lowell  
Director of Human Resources  
370 Jackson Street, 5th Floor  
Lowell, MA 01852  
Primary Phone: (978) 656-7700

Cause of Discrimination based on:

National Origin (Hungarian Minority of Romania); Retaliation

**The particulars are:**

I, Imre Kifor, the Complainant believe that I was discriminated against by Middlesex Probate and Family Court North - Lowell, on the basis of National Origin, Retaliation. This is in violation of M.G.L. 272 Section 98 Paragraph and .

1. I am a member of the Hungarian minority in Romania, and received political asylum from the United States in 1986.
2. I was married and had 2 children. My divorce finalized in 2008. I have 2 children with my previous fiancée. In 2011, my ex-wife called the police and reported that I was beating my children, but I was not arrested. A custody battle within Respondent started between my ex-wife and I. Simultaneously, a custody battle began with myself and my fiancée. Since then, I have been persecuted by Respondent because they say since I am Romanian, I must torture children. However, I am not Romanian. I was defamed, because my national origin does not mean I hurt children.
3. In 2018, I appealed both 2014 judgements, and alleged that cases were fraudulent, as the decisions were based on my national origin. Due to the cases, I was running out of money and the cases were causing my employment to be impossible, as I did not have enough money to continue my company. Thus, since 2018, I have been unable to make money, especially due to the high amounts of child support I am ordered to pay. Respondent then ordered me to get a minimum wage job, but even if I did, I still could not pay the money I was ordered to, and I risked being sent to jail due to my indigence. My driver's license was also suspended, compounding my issues with job searching.
4. Between 2019 and 2021, I filed 11 appeal notices with Respondent, but they ignored me and refused to allow me to appeal. Respondent also would not allow me submit documents from one case against me to the other.
5. On April 24, 2021, I filed a civil rights discrimination complaint in Massachusetts Superior Court against Respondent, alleging that I had been discriminated against due to my national origin. In August 2021, Respondent finally accepted my appeal to be docketed, which it was in October 2021.
6. In December 2021, I had two hearings in Respondent, and Respondent told me that if I could come to Respondent, I have money, and thus must pay child support, but I could not. I requested to have Zoom hearings for my 2 hearings, but they only allowed me to have a Zoom hearing for my hearing on December 6, 2021, but not on December 3, 2021.
7. On December 6, 2021, Respondent found me guilty of contempt, despite my indigence, and issued an order that I have to look for 10 jobs per week. On December 7, 2021, I began to send out job applications. A week later, Respondent changed the order that in order to satisfy the job search requirement, I have to show up to Respondent's location in person each week, or risk jail. I appealed my December 2021 judgements.
8. On January 12, 2022, Respondent stated it would accept Zoom calls instead of me having to go to Respondent's location. However, on January 21, 2022, Respondent forcibly brought me to its location for a hearing.

9. My supervised visits are heavily controlled by Respondent, and I was not allowed to sit next to my daughter, for instance, at a movie theatre. I am not allowed any connection with my daughters.

10. For these reasons, I believe I have been subjected to discrimination and retaliatory actions by Respondent based on my national origin

-----  
I hereby verify, under the pains and penalties of perjury, that I have read this complaint and the allegations contained herein are true to the best of my knowledge.

\_\_\_\_\_  
(Signature of Complainant)

THE COMMONWEALTH OF MASSACHUSETTS  
COMMISSION AGAINST DISCRIMINATION  
One Ashburton Place, Boston, MA 02108  
Phone: (617) 994-6000 Fax: (617) 994-6024

- DISMISSAL and NOTICE of RIGHT TO APPEAL -

<b>To:</b> Imre Kifor 32 Hickory Cliff Road Newton Upper Falls, MA 02464	<b>Case:</b> Imre Kifor v. Middlesex Probate and Family Court North - Lowell <b>MCAD Docket Number:</b> 22BPA00184 <b>EEOC Number:</b> N/A <b>Investigator:</b> Pamela Myers
--	--


Your complaint has been dismissed as follows:

- ☐ Pursuant to 804 CMR 1.08(1)(c) (2020), the Commission lacks jurisdiction over the parties or the subject matter of the complaint.
- ☐ Pursuant to 804 CMR 1.08(1)(f)(2) (2020), there is insufficient evidence to support a determination of probable cause to credit the allegations of the complaint with respect to all claims in the complaint.
- ☒ Pursuant to 804 CMR 1.05(2) (2020), the Commission has determined after a preliminary review of the complaint that further investigation will not serve the public interest.

- NOTICE of RIGHT TO APPEAL -

Pursuant to 804 CMR 1.08(4)(b) (2020), you may appeal to the Commission within 10 days after receipt of this notice. You or your attorney must appeal in writing to the Clerk's Office.  
**Attention:** Nancy To.

All employment complaints, where applicable, were filed by the MCAD with the Equal Employment Opportunity Commission. Our finding, which will be forwarded to its area office, JFK Federal Building, Boston, MA will be given substantial weight provided that such findings are in accordance with the requirements of Title VII of the Civil Rights Act of 1964, the ADEA, and/or the ADA, as amended.

  
Neldy Jean-Francois  
Investigating Commissioner

2/28/2022  
Date

## INVESTIGATIVE DISPOSITION

Case Name:	Imre Kifor v. Middlesex Probate and Family Court North-Lowell
MCAD Docket No.:	22BPA00184
EEOC Docket No.:	N/A
No. of Employees:	25+
Investigator:	Pamela Myers
Recommendation:	<b>Dismissal</b>

---

### Introduction

On January 25, 2022, Complainant filed a complaint against Respondent, alleging discrimination in a place of public accommodations on the basis of national origin ("Hungarian minority in Romania") and retaliation in violation of M.G.L. c. 272, § 98.

### Complainant's Allegations

Complainant alleges the following. Complainant has two children with his ex-wife and two children with his ex- fiancée. He is involved in two custody battles. In 2018, he appealed two 2014 judgements against him. Since 2018, he has not been able to make money, especially due to the high amounts of child support he's been ordered to pay. Respondent ordered Complainant to get a minimum wage job, but even if he did, he still could not pay child support or satisfy the judgements. Complainant's driver's license was suspended, compounding his issue with job searching. Between 2019 and 2021, Complainant filed eleven appeals, which Respondent denied. Respondent also would not allow him to submit documents from one case to the other. On April 24, 2021, Complainant filed a civil rights discrimination complaint in Superior Court against Respondent, alleging discrimination on the basis of national origin. In August 2021, Respondent accepted his appeal.

In December 2021, Complainant attended two hearings with Respondent. Complainant requested to have the hearings by Zoom. Respondent allowed Zoom for the December 6, 2021 hearing but not for the December 3, 2021 hearing. On December 6, 2021, Respondent found him guilty of contempt and issued an order that he has to look for ten jobs each week. A week later, Respondent changed the order that to satisfy the job search requirement, he has to show up to Respondent's location in person each week, or risk jail. He appealed. On January 12, 2022, Respondent stated it would accept Zoom instead of his having to go to Respondent's location. Yet, on January 21, 2022, Respondent forcibly brought him to its location for a hearing.

### Summary of Investigation and Analysis

It is a violation of M.G.L. c. 272, § 98 to make any distinction, to discriminate, or to restrict a person's access to a place of public accommodation based on race, color, religious creed, national origin, gender, disability, gender identity and sexual orientation. M.G.L. c. 272, § 92A defines a place of public accommodation to include "any place...which is open to and accepts or solicits the patronage of the general public."

According to Complainant's allegations, Respondent, a court within the Massachusetts Trial Courts, and a place of public accommodation, engaged in discriminatory conduct toward Complainant on the basis of national origin and retaliation. Investigating this matter would require a review of Respondent's processes and handling of matters concerning child custody and child support, ensuing judgements involving child support payments, court rules related to convening hearings and Complainant's ability to pay child support, none of which is appropriately within the purview of the Commission, especially given the existence of judicial review, court rules, the guidelines and statutory schemes overseeing child support payments, and the process of appeal available within the Trial Courts. Complainant also alleges that he filed a similar discrimination complaint in Superior Court.

Additionally, based on the present facts, Complainant fails to articulate a basis for how his national origin creates a reasonable inference of discrimination or nexus to any adverse action implemented by Respondent. There are no proffered facts that support his claim that Respondent unlawfully discriminated against him on the basis of retaliation or national origin. For this reason, Complainant fails to state a claim of discrimination.

### Conclusion

It is recommended that Complainant's claims of discrimination on the basis of national origin and retaliation against Respondent be dismissed.

/s/ Pamela Myers

Pamela Myers  
Attorney Advisor

### Disposition

Pursuant to section 5 of M.G.L. c. 151B, and in conformity with the foregoing findings, I have this day determined that this case is **dismissed**. Complainant will be afforded the opportunity to appeal this decision.

Neldy Jean-Francois  
Neldy Jean-Francois  
Investigating Commissioner

2/28/2022  
Date



COMMONWEALTH OF MASSACHUSETTS  
COMMISSION AGAINST DISCRIMINATION  
1 ASHBURTON PLACE - ROOM 601  
BOSTON, MA 02108

Imre Kifor  
32 Hickory Cliff Road  
Newton Upper Falls, MA 02464



0246431205 0031



## 2181CV00921 Kifor, Imre vs. Middlesex Probate And Family Court

- Case Type:
- Actions Involving the State/Municipality
- Case Status:
- Open
- File Date
- 04/26/2021
- DCM Track:
- A - Average
- Initiating Action:
- Tortious Action involving the Commonwealth, Municipality, MBTA, etc.
- Status Date:
- 04/26/2021
- Case Judge:
- 
- Next Event:
- 

[All Information](#) [Party](#) [Tickler](#) [Docket](#) [Disposition](#)

### Party Information

**Kifor, Imre**  
- Plaintiff

[Alias](#)

#### Party Attorney

- Attorney
- Pro Se
- Bar Code
- PROPER
- Address
- Phone Number

[More Party Information](#)

**Middlesex Probate And Family Court**  
- Defendant

[Alias](#)

#### Party Attorney

- Attorney
- Tang, Esq., Yeatyng Evelyn
- Bar Code
- 669820
- Address
- Massachusetts Office of the Attorney General
- Trial Division 18th Floor
- One Ashburton Place
- Boston, MA 02108
- Phone Number
- (617)963-2905












[More Party Information](#)


### Ticklers











<a href="#">Tickler</a>	<a href="#">Start Date</a>	<a href="#">Due Date</a>	<a href="#">Days Due</a>	<a href="#">Completed Date</a>
Service	04/26/2021	07/26/2021	91	
Answer	04/26/2021	08/24/2021	120	

Rule 12/19/20 Served By	04/26/2021	08/24/2021	120
Rule 12/19/20 Filed By	04/26/2021	09/23/2021	150
Rule 12/19/20 Heard By	04/26/2021	10/25/2021	182
Rule 15 Served By	04/26/2021	06/20/2022	420
Rule 15 Filed By	04/26/2021	07/20/2022	450
Rule 15 Heard By	04/26/2021	07/20/2022	450
Discovery	04/26/2021	04/17/2023	721
Rule 56 Served By	04/26/2021	05/16/2023	750
Rule 56 Filed By	04/26/2021	06/15/2023	780
Final Pre-Trial Conference	04/26/2021	10/13/2023	900
Judgment	04/26/2021	04/25/2024	1095












### Docket Information

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
04/24/2021	Case assigned to: DCM Track A - Average was added on 04/24/2021		
04/24/2021	Complaint electronically filed.	1	 <a href="#">Image</a>
04/24/2021	Civil action cover sheet filed.	2	 <a href="#">Image</a>
04/24/2021	Affidavit  of Indigency with Supplement to Affidavit of Indigency	3	
04/24/2021	Plaintiff Imre Kifor's Motion to Waive Entry Fee and for Indigency	4	 <a href="#">Image</a>
04/24/2021	Plaintiff Imre Kifor's Motion to Protect Children's Identities	5	 <a href="#">Image</a>
04/24/2021	Affidavit  for Complaint for Civil Rights Violations	7	 <a href="#">Image</a>
04/24/2021	Imre Kifor's Memorandum in support of Deliberate Fraud	6	 <a href="#">Image</a>
04/24/2021	Exhibits/Appendix		 <a href="#">Image</a>
04/26/2021	Exhibits/Appendix		 <a href="#">Image</a>
05/04/2021	Endorsement on Application for Affidavit of Indigency (#3.0): ALLOWED without a hearing ALLOWED with respect to the normal fees and costs indicated in the application and they are ordered Waived in Full.  Judge: Wall, Hon. Joshua		
05/10/2021	Affidavit  Plaintiff's Affidavit RE: Request For Immunity Waiver	8.1	 <a href="#">Image</a>
05/10/2021	Exhibits/Appendix  Plaintiff's Exhibits RE: Request for Immunity Waiver		 <a href="#">Image</a>
05/10/2021	Plaintiff Imre Kifor's Notice of	8	 <a href="#">Image</a>

	Motion and Motion To Amend Complaint For Civil Rights Violations and Injunctive and Declaratory Relief		
05/26/2021	Summons, returned SERVED Applies To: Middlesex Probate And Family Court (Defendant)	9	 <a href="#">Image</a>
06/09/2021	Service Returned for Defendant Middlesex Probate And Family Court: Service through person in charge / agent; in hand to Philip Colameta at 10-U Commerce Way Woburn, MA 01801 on 6/2/2021.	11	 <a href="#">Image</a>
06/10/2021	Affidavit Plaintiff's Affidavit on Receipt of No Opposition	10	 <a href="#">Image</a>
06/22/2021	Affidavit Plaintiff's Affidavit on Defendants' Request To Delay Their Responses Applies To: Kifor, Imre (Plaintiff)	12	 <a href="#">Image</a>
06/22/2021	Exhibits/Appendix Plaintiff's Exhibits to His Affidavit on Defendants' Request to Delay Their Responses		 <a href="#">Image</a>
07/06/2021	Endorsement on Motion to Protect Children's Identities (#5.0): ALLOWED Plaintiff may e-file exhibits with names of children redacted. Judge: Wall, Hon. Joshua		 <a href="#">Image</a>
07/19/2021	Affidavit On Defendants' Second Request To Delay Their Responses Applies To: Kifor, Imre (Plaintiff)	13	 <a href="#">Image</a>
07/19/2021	Affidavit On Sadistic Family Court Using Children To Conceal Systemic Due Process Violations	14	 <a href="#">Image</a>
07/19/2021	Exhibits/Appendix Plaintiff's Exhibits to Complaint and Affidavits For Violations of Civil Rights Vol I		 <a href="#">Image</a>
07/19/2021	Exhibits/Appendix Plaintiff's Exhibits to Complaint and Affidavits For Violations of Civil Rights Vol II		 <a href="#">Image</a>
08/02/2021	Plaintiff Imre Kifor's Motion to Amend Complaint For Civil Rights Violations and for Injunctive and Declaratory Relief	15	 <a href="#">Image</a>
08/02/2021	Exhibits/Appendix		 <a href="#">Image</a>
08/03/2021	Affidavit Plaintiff's Affidavit on Judicial Conduct Violations	16	 <a href="#">Image</a>
08/09/2021	Affidavit Plaintiff's Second Affidavit on Receipts of No Opposition Applies To: Kifor, Imre (Plaintiff)	17	 <a href="#">Image</a>
08/13/2021	Affidavit Plaintiff's Affidavit on Filed Presentment Claim Form with Defendants Applies To: Kifor, Imre (Plaintiff)	18	 <a href="#">Image</a>
08/16/2021	Affidavit Plaintiff's Affidavit on Now Documented "Banned Appeals" Scheme Applies To: Kifor, Imre (Plaintiff)	19	 <a href="#">Image</a>

08/19/2021	Affidavit	20	 <a href="#">Image</a>
08/23/2021	Attorney appearance electronically filed.		 <a href="#">Image</a>
08/23/2021	Defendant Middlesex Probate And Family Court's Notice of Motion to Dismiss	21	 <a href="#">Image</a>
08/23/2021	Attorney appearance On this date Yeatyng Evelyn Tang, Esq. added for Defendant Middlesex Probate And Family Court		
08/24/2021	Docket Note: Plaintiffs affidavit on file presentment claim form with defendant (Copies) Plaintiffs affidavit on now documented "Banned Appeals" Scheme" (Copy) Plaintiffs affidavit Supporting the Repeatedly Requested Immunity Waiver" (Copy)		
08/25/2021	Endorsement on Notice of Motion (#15.0): ALLOWED No responsive pleading has been filed by defendants. Under Rule 15 Plaintiff may rightfully file amended complaint. The motion is ALLOWED and the amended complaint is accepted for filing. Plaintiff must serve Defendants with amended complaint. The Court ORDERS that defendant's pleading responsive to amended complaint shall be filed no later than 30 days after service thereof. Defendant's do not need to respond to the original complaint.  Judge: Wall, Hon. Joshua		 <a href="#">Image</a>
08/26/2021	Affidavit  Plaintiff's Affidavit on Deliberately Defrauded Courts and Sabotaged Right to Appeal  Applies To: Kifor, Imre (Plaintiff)	22	 <a href="#">Image</a>
08/30/2021	Plaintiff Imre Kifor's Request for Leave of Court Re: Motion to Amend Complaint For Civil Rights Violations and for Injunctive and Declaratory Relief	23	 <a href="#">Image</a>
09/06/2021	Plaintiff Imre Kifor's Motion for Reconsideration	24	 <a href="#">Image</a>
09/06/2021	Plaintiff Imre Kifor's Notice of Motion and Motion to Amend Complaint	25	 <a href="#">Image</a>
09/06/2021	Proposed Filings/Orders  Proposed Amended Complaint		 <a href="#">Image</a>
09/06/2021	Exhibits/Appendix  to Proposed amended complaint		 <a href="#">Image</a>
09/13/2021	Affidavit  with 350+ pages of exhibits- scanned only  Applies To: Kifor, Imre (Plaintiff)	26	 <a href="#">Image</a>
09/16/2021	Amended: amended complaint filed by Imre Kifor	27	 <a href="#">Image</a>
09/16/2021	Exhibits/Appendix  283 pages- scanned only	28	 <a href="#">Image</a>
09/16/2021	Affidavit  365 pages- scanned only	29	 <a href="#">Image</a>
09/23/2021	Endorsement on Motion for Plaintiff Imre Kifor's Motion for Reconsideration (#24.0): DENIED Responsive pleading was filed, which means plaintiff must follow rule 9A procedure for motion to amend. Motion is DENIED and plaintiff may file again after complying with rule 9A  Judge: Wall, Hon. Joshua		 <a href="#">Image</a>
09/27/2021	Plaintiff Imre Kifor's Notice of Motion for Reconsideration of Order		 <a href="#">Image</a>
09/27/2021	Plaintiff Imre Kifor's Notice of		 <a href="#">Image</a>

	Filing Motion to Amend and Assented First Amended Complaint			
09/28/2021	Plaintiff Imre Kifor's Motion to Amend Complaint for Civil Rights Violations and for Injunctive and Declaratory Relief	30		<a href="#">Image</a>
09/28/2021	Plaintiff Imre Kifor's Certificate of Conference for Motion to Amend			<a href="#">Image</a>
09/28/2021	Affidavit  of no Opposition Received for Motion to Amend  Applies To: Kifor, Imre (Plaintiff)	30.1		<a href="#">Image</a>
09/28/2021	Plaintiff Imre Kifor's Notice of Filing of Motion to Amend Complaint for Civil Rights Violations and for Injunctive and Declaratory Relief			<a href="#">Image</a>
10/07/2021	Plaintiff Imre Kifor's Motion for Reconsideration of Order	31		<a href="#">Image</a>
10/07/2021	Affidavit  of no Opposition Received for Motion for Reconsideration of Order	31.1		<a href="#">Image</a>
10/20/2021	Plaintiff Imre Kifor's Notice of Motion to Pause Judicial Immunity Pending Appellate Reviews.	32		<a href="#">Image</a>
11/19/2021	Plaintiff Imre Kifor's Notice of motion for second amended complaint due to systemic discrimination evidenced by just produced 17 transcripts	33		<a href="#">Image</a>
12/02/2021	Plaintiff Imre Kifor's Motion for Second Amended Complaint Due to Systemic Discrimination Evidenced by Just Produced 17 Transcripts	34		<a href="#">Image</a>
12/02/2021	Affidavit of No Opposition Received for Motion for Second Amended Complaint  Applies To: Kifor, Imre (Plaintiff)	34.1		<a href="#">Image</a>
12/02/2021	Amended: Proposed Second amended complaint filed by Imre Kifor			<a href="#">Image</a>
12/02/2021	Imre Kifor's Memorandum Regarding Systemic Long-Term Child-Predatory Discriminations in Family Court	34.2		<a href="#">Image</a>
12/02/2021	Exhibits/Appendix  to proposed Amended Complaint  (VOLUME I)			<a href="#">Image</a>
12/02/2021	Exhibits/Appendix  to proposed Amended Complaint  (VOLUME II)			<a href="#">Image</a>
12/15/2021	General correspondence regarding Pro se defendant's correspondent regarding change of address	35		<a href="#">Image</a>
12/20/2021	Affidavit w/exhibits 208 pages  Applies To: Kifor, Imre (Plaintiff)	36		<a href="#">Image</a>
12/23/2021	Affidavit of Imre Kifor on Further Defamation, Malicious Prosecution and Abuse of Process	37		<a href="#">Image</a>
12/27/2021	Plaintiff Imre Kifor's Motion for Third Amended Complaint due to Threatened and Imminent Silencing Jail Sentence	38		<a href="#">Image</a>
01/04/2022	Defendant Middlesex Probate And Family Court's Notice of RULE 9E NOTICE OF MOTION TO DISMISS	39		<a href="#">Image</a>
01/05/2022	Endorsement on Motion for third amended complaint due to threatened and imminent silencing jail sentence (#38.0): DENIED without prejudice for failure to comply with Rule 9A.			<a href="#">Image</a>

Judge: Doolin, Hon. Michael		
01/05/2022	Endorsement on Motion for Second Amended Complaint Due to Systemic Discrimination Evidenced by Just Produced 17 Transcripts (#34.0): ALLOWED after review and without opposition.  Judge: Doolin, Hon. Michael	 <a href="#">Image</a>
01/05/2022	Amended: Second amended complaint filed by Imre Kifor	40  <a href="#">Image</a>
01/14/2022	Plaintiff Imre Kifor's Motion for Third Amended Complaint due to Threatened and Imminent Silencing Jail Sentence	41  <a href="#">Image</a>
01/14/2022	Imre Kifor's Memorandum in support of Opposition to Defendants' Motion to Dismiss	41.1  <a href="#">Image</a>
01/14/2022	Opposition to Plaintiff's Motion for Third Amended Complaint filed by Middlesex Probate And Family Court	41.2  <a href="#">Image</a>
01/14/2022	Exhibits/Appendix  for Plaintiff's Motion for Third Amended Complaint	 <a href="#">Image</a>
01/14/2022	Reply/Sur-reply  by the Plaintiff to the Defendants' Opposition to Motion for Third Amended Complaint	41.3  <a href="#">Image</a>
01/18/2022	Defendant Middlesex Probate And Family Court's Motion to dismiss all counts on Plaintiff's Second Amended Complaint	42  <a href="#">Image</a>
01/18/2022	Middlesex Probate And Family Court's Memorandum in support of Motion to Dismiss the Plaintiff's Second Amended Complaint	42.1  <a href="#">Image</a>
01/18/2022	Exhibits/Appendix  FILED BY DEFENDANT IN SUPPORT OF MOTION TO DISMISS SECOND AMENDED COMPLAINT	 <a href="#">Image</a>
01/18/2022	Opposition to Defendant's Motion to Dismiss Second Amended Complaint filed by Imre Kifor	42.2  <a href="#">Image</a>
01/18/2022	Imre Kifor's Memorandum in support of his Opposition to Defendant's Motion to Dismiss	42.3  <a href="#">Image</a>
01/18/2022	Defendant Middlesex Probate And Family Court's Certificate of Rule 9C Compliance	42.4  <a href="#">Image</a>
01/18/2022	Defendant Middlesex Probate And Family Court's Notice of Filing	42.5  <a href="#">Image</a>
01/18/2022	Defendant Middlesex Probate And Family Court's Submission of Rule 9A List of Documents	42.6  <a href="#">Image</a>
01/18/2022	Defendant Middlesex Probate And Family Court's Certificate of Service Pursuant to Rule 9A	42.7  <a href="#">Image</a>
03/01/2022	Affidavit  on Status  Applies To: Kifor, Imre (Plaintiff)	43  <a href="#">Image</a>

### Case Disposition

<u>Disposition</u>	<u>Date</u>	<u>Case Judge</u>
Pending		

## COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT

CIVIL ACTION 2181CV00921

**RECEIVED**

-----		
IMRE KIFOR,	)	12/2/2021
Plaintiff	)	
v.	)	
	)	SECOND AMENDED COMPLAINT
THE COMMONWEALTH OF	)	FOR SYSTEMIC DISCRIMINATIONS
MASSACHUSETTS and	)	AND CIVIL RIGHTS VIOLATIONS
MIDDLESEX PROBATE AND	)	
FAMILY COURT	)	
Defendants	)	
-----		

INTRODUCTION

The Plaintiff, Imre Kifor, ("Father"), respectfully alleges:

1. This was originally an action for injunctive & declaratory relief and damages, pursuant to Title 42 U.S.C. § 1983 and M.G.L.c. 12 § 11I. Recently produced material evidence<sup>1</sup> expands the scope of herein complaint to systemic discriminations based on color, sex and national origin, pursuant to Title 42 U.S.C. § 2000e and M.G.L.c. 151B, and to conspiracy to interfere with and to deprive lawful rights, pursuant to Title 42 U.S.C. § 1985.

JURISDICTION AND VENUE


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<sup>1</sup> See attached "Memorandum Of Law Re: Systemic Long-Term Child-Predatory Discriminations In Family Court" and exhibits.



2. Jurisdiction exists pursuant to M.G.L.c. 212 § 4, based on Title 42 U.S.C. § 1983 and also on questions of constitutional law. Jurisdiction also exists under 28 U.S.C. §§ 2201 and 2202.

3. Each and all of the acts (or threats of acts) alleged herein were committed by the Defendants, ("Family Court"), or their officers, agents, and employees, under color and pretense of the statutes, rules, and regulations of the Commonwealth of Mass.

4. Venue is proper in this Court because the actions giving rise to herein allegations occurred in Middlesex County, Mass. and the parties currently reside or do business in Middlesex County.

#### PARTIES

5. As a 59 years old individual, a skilled software engineer with graduate degrees, and a 35 year ago naturalized proud US Citizen, Father is residing at 718 Main St., Acton, MA 01720. He is a private figure, with his life outside of the public eye.

6. The Commonwealth of Massachusetts is a state government and Family Court are governmental adjudicatory bodies or agencies.

7. Family Court are also "persons" and public "employers" for discrimination purposes, within the meaning of M.G.L.c. 151B.

#### PRELIMINARY STATEMENT

8. Lengthy (now ~70 hearings) parallel and dual action lawsuits had been initiated in collusion and then systemically prosecuted under false and openly discriminatory pretenses in Family Court.

9. As fully set forth below, Father has suffered significant harm, extensive injuries and devastating damages as a result.

10. Father has 4 children: 2 children with each "Mother-B" and "Mother-C" from non-overlapping, long-term and fully committed relationships. Mothers have a history of deep and intractable jealousy and a ruthless, bitter competition for Father's past significant monetary resources and income-generating capacity.

11. Mothers' documented severe physical, verbal and maliciously manipulative lashings out at each other's children has been part of their long-term and deliberate leveraging for advantage. Due to this bitter, uncontrolled and endless conflict, Mothers have repeatedly initiated lawsuits against Father in Family Court.

12. While these Family Court actions between Mothers and Father provide the context, this complaint is not about those matters, as they are now being properly appealed under 3 paired appeals<sup>2</sup>, with Father having already fully briefed the Appeals Court.

#### FACTUAL ALLEGATIONS

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<sup>2</sup> See 2021-P-0503, 2021-P-0901 and 2021-P-0902 paired appeals in the Mass. Appeals Court.

13. The ongoing fraud and stereotypical discriminations allowed in Family Court have completely depleted Father's finances and the resulting defamation forced him into intractable indigency.

14. Therefore, for the last four years, Father has relentlessly complained about these allowed and encouraged harmful activities to the AGO, CJC, BBO, DCF, police, etc. and to elected leaders.

15. As Father had been alleging extensively documented **child-predatory** "mental health" fraud and discriminatory activism, he was labelled "dangerous" and then was silenced and sentenced.

16. Family Court then initiated a punitive crusade against him by blocking, ignoring, deflecting, delaying, denying, etc. his any attempts to prove his innocence and his forced indigency.

17. Father's rights to submit evidence and to call witnesses, in order to prove innocence and forced indigency, were all denied.

18. Father can now pin-point these discriminatory practices in court with the recent production of 17 transcripts. His access to these 17 hearing transcripts came only after Family Court's years of relentless sabotaging of Father's attempts to appeal.

19. Father filed his original complaints<sup>3</sup> on 4/24/2021, at a time when Family Court had not just deliberately silenced him, but had also purposely and systemically starved him for information.

20. Based on therefore "secret" docket entries, ("Logs"), that Father could only obtain as per his original complaints in this matter, he has now filed motions in Family Court to stipulate that Logs had been deliberately kept in a biased, faulty and incomplete state in the court's "child support orders" records.

21. Both Title 42 U.S.C. § 1983 and M.G.L.c. § 11I establish liability for any "person" acting under the color of state law who deprives a citizen of "any rights, privileges or immunities secured by the Constitution and laws." Logs & transcripts now substantiate Father's claims that Family Court has waived their immunity, by abusing their discretion, to become that "person."

22. Family Court's exclusive, stereotypical reliance on Mothers' inconsistent, false and defamatory accusations has directly and proximately caused substantial and permanent damage to Father.

23. The false and defamatory accusations were then deliberately metastasized to third-parties and all members of his children's

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<sup>3</sup> Both state, 2181CV00921, and federal, 21-10699-IT, civil complaints are hereby amended/renewed based on recently produced extensive evidence already identically submitted to the Mass. Appeals Court.

caregivers, e.g. schools, doctors and therapists, thus further damaging Father's existence, which was reasonably foreseeable.

24. As a direct and proximate result of the false and defamatory accusations, Father suffered permanent harm to his reputation.

25. As a direct and proximate result of these now documented systemic stereotypical discriminations and tacit, but sadistic attacks by Family Court and their "trusted" officers, Father suffers and will continue to suffer severe emotional distress.

26. As a direct result of the factual discriminations by Family Court, Father is forced to live his life in a constant state of concern over his own safety, liberty and wellbeing, as well as the safety, liberty and wellbeing of his four innocent children.

27. Family Court deliberately acted with actual and common law malice, thereby entitling Father to awards of punitive damages.

28. Family Court's conduct through the last 10+ years has been outrageous and willful, demonstrating a conscious indifference to consequences. Father is thus entitled to an award of punitive damages to punish Family Court and to deter them from repeating such egregiously unlawful discriminations in the future.

29. Father's documented monetary damages and losses are<sup>4</sup>:

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<sup>4</sup> As of first amended complaint filed in Superior Court on 9/16/2021.

Property taxes		\$25,125.00
"Shared" house		\$380,603.00
"Big" house		\$1,556,865.00
GALs' expenses		\$55,214.00
"Therapy" expenses		\$157,288.00
"Supervision" expenses		\$56,944.00
Missed income (10 years)	\$350K / year	\$3,500,000.00
Missed appreciation (33%)	(\$1.5M + \$234K) * 33%	\$572,000.00
Forced investments	Metrology instruments	\$150,000.00
Double taxation		\$65,000.00
"Legal" expenses	\$1,265,112 + \$836,000 Pro Se	\$2,101,112.00
"Survival" expenses (since 6/2017)	47 months x \$2,836	\$133,292.00
<b>Total damages/losses</b>		<b>\$8,753,443.00</b>

30. Pursuant to at least G.L.c. § 11I, "Any aggrieved... persons who prevail in an action authorized by this section shall be entitled to an award of the costs of litigation and reasonable attorneys' fees in an amount to be fixed by the court."

"CRITICAL THEORY": A DELIBERATE SUBVERSION OF THE CONSTITUTION

31. Family Court's collusion in silencing and covering up the whistleblower complaints of a **never violent** Father resulted in his forced indigency and total isolation, or "house arrest."

32. Driven by obligations to churn the child support orders for federal reimbursements, even at the abusive expense of the children themselves, Family Court has dogmatically rejected for years now even the possibility of Father's indigency, apparently to circumvent all of his attempted efforts to appeal the cases.

33. Having had repeatedly dismissed Father's extensive pleadings for relief from pure fraud, Family Court has now scheduled two contempt hearings with the renewed objective to sentence him.

34. The same scenario, under identical circumstances of Father's indigency, happened on 10/21/2019 when, after mailing his open letter **"Is Mass. Chief Justice leveraging, torturing and abusing innocent children?"** to Chief Justice John D. Casey, the already indigent Father was ordered to jail for not having even a \$100.

35. The amendments to the US Constitution provide equal rights & protections to all. The Mass. Equal Rights Act, ("MERA"), twists that plain concept with a textually racist and sexist conclusive presumption claiming that "white" & "male" are in fact special, because our white male citizens unconditionally "enjoy rights."

36. The simple corollary of this presumption is that white male citizens cannot complain about systemic violations of rights.

37. Focusing attention to normal, healthy, capable, productive, committed and white males, or just "fathers," the combinations of MERA and anti-discrimination statutes preclude any systemic discrimination or civil rights violations suits, i.e. without state sovereign immunity protection, where the required informal "protected class" could be the "white fathers of Massachusetts."

38. Therefore, Family Court can freely operate with no checks & balances, even at the direct detriment of our dear children, while putting the state's majority white male fathers to work, as slave "workhorses" with no compensation, for substantial federal reimbursement "profits" associated with child supports, all due to a predatory racist & sexist yet "genius" application of General Laws to a now 100% female-dominated body of judges.

39. The lack of any risks in maximizing the state's millions of dollars of yearly "profits" from federal resources, even if that means **brutally and completely separating** our children from their "nonresident" parents, is now applauded, "Probate and Family Court Chief Justice John Casey accepted the award at the NCSEA 2021 Leadership Symposium in Austin in early August. The Probate and Family Court was recognized and honored for its precedent-setting and innovative remote child support conference program."



40. As a most significant relevant difference between Communist tyrannies, that Father had personally experienced as a hated minority child, and the United States, that he has experienced as a productive adult, the amendments to the US Constitution also provide **protections to all** for due processes of the law.

41. Communism is the Marxist "Critical Theory," an emotionally predatory doctrine or a theory as critical insofar as it seeks "to liberate human beings from the circumstances that enslave them." And a tyranny is the practice of fabricating negligible, i.e. easy to control, "protected classes" of minorities, that a tyrant then leverages to frighten and to enslave the majority.

42. Due process of law to all directly contradicts any "Critical XYZ Theory." The most sophisticated "white" Communist tyrannies solved all conflicts with "enemy" individuals falling through the cracks by instituting the Gulags, or forced labor camps.

43. Leveraging the informal practice of determining a "protected class" first for discrimination cases, Family Court conveniently instituted a "Critical Feminist Theory" in the court's practice.

44. By observing that the "slaves" of most desired child support orders are the never protected white males, it was deduced that federal reimbursements can be maximized by (a) holding fathers in Mass. as *de facto* "evils," until impossibly proven innocent,

and (b) then fully separating them from their dear children for "justified" maximum child supports from a "nonresident parent".

45. Father has consistently pointed to the known legacy of Atty. Monroe Inker, "The Father of Modern Family Law," of being first to forcefully inject into our laws such a "Critical Feminist Theory" by hijacking the "conclusive presumptions" measures. The thus "progressive" recipe is simple: provoke "evil" fathers to openly resist inherently child-abusive treatments, and the thus reinterpreted "attacks" on the always protected "victim" mothers becomes justified cause for swift punishments in Family Court.

46. To profit obscenely, and to also win on a national stage, Family Court then routinely violated any due process rights of the therefore "evil" fathers, while spicing up the embellished records with QAnon-style malicious child-predatory fabrications.

47. To cover up predictable "Critical Feminist Theory"-induced violations of Father's due process rights, Family Court had thus systemically falsified docket entries, while also misleading the Superior and Appeals Courts. All these acts have been preserved and have been now briefed in Father's respective paired appeals.

#### CLAIMS AGAINST FAMILY COURT

Father's claims are based mostly on continuing violations of his rights under the 1st, 5th, and 14th Amendments to the US Constitution, as well as systemic stereotypical discriminations, abuses of process, malicious prosecution, false imprisonment and continued intentional infliction of heavy emotional distress.

Family Court's documented actions, ("Actions"), are sampled and then enumerated, with supporting evidences, in the attached combined state and federal "Memorandum Of Law Re: Systemic Long-Term Child-Predatory Discriminations In Family Court."

For a framing context, all preceding paragraphs are hereby incorporated by reference in all following claims as if fully restated therein. Actions also uniformly fail to advise, notify or inform persons threatened, in the past or the future, with prosecution for violations of their capricious requirements.

The following claims are identically included in both state and federal complaints. Nevertheless, claims re: violations of statutes of state serve only as a "proof of existence" in the federal complaint, to evidence that "conduct was unreasonable."

1. **TITLE 42 U.S.C. § 1983: FREE SPEECH AND DUE PROCESS**

Actions, on their face and as committed or threatened to be continually committed by Family Court, to this day, are:

- Unconstitutional abridgments of Father's rights to freedom of speech under the US Constitution, 1st and 14th Amendments, and similar clauses in the Mass. Constitution,
- Unconstitutionally over-broad restrictions on expression,
- Unconstitutionally vague restrictions on expression,
- Content and viewpoint-based restrictions on speech,
- Do not serve any significant governmental interest,
- Do not leave open alternative channels of communication,
- Are neither narrowly tailored nor the least restrictive means to accomplish any permissible governmental purpose.

2. **TITLE 42 U.S.C. § 1983: EQUAL PROTECTION**

Actions, on their face and as committed or threatened to be continually committed by Family Court, to this day, are:

- Deliberate and systemic constitutional violations of the Equal Protection Clause of the US Constitution, 14th Amendment, and similar clauses in the Mass. Constitution,
- They create two classes for the purposes of Family Court: a) "Receivers," who have unconditional and unlimited control of "facts" and "controlling levers," i.e. the children, and b) "Givers" who are allowed to only provide, while being either

unconditionally controlled by said "levers," or systemically silenced and destroyed by attrition, or by means outside of the rule-of-law, i.e. the public and institutional shunning,

- These classifications have an inherent direct bearing on the fundamental interest in free speech and due process rights,
- Family Court has no permissible interest justifying the creation of these discriminating classes and cannot show that these deliberately fabricated systemic discriminations are necessary to serve any legitimate governmental interest.

3. **TITLE 42 U.S.C. § 1983: DUE PROCESS**

Actions, on their face and as committed or threatened to be continually committed by Family Court, to this day, are:

- Unconstitutionally vague & capricious, and in violation of due process guarantees of the US Constitution, 14th Amendment, and similar clauses in the Mass. Constitution,
- Are inconsistent, irrational and unreasonable, imposing unjustifiable restrictions on the exercise of protected constitutional rights, and their application violates due process guarantees of the US Constitution, 14th Amendment, and also similar clauses in the Mass. Constitution.

4. **TITLE 42 U.S.C. § 1983: PROPERTY TAKEN WITHOUT COMPENSATION**

Actions, on their face and as committed or threatened to be continually committed by Family Court, to this day, are:

- Unconstitutionally vague & relentless "takings," without any compensations, in violation of due process guarantees of the US Constitution, 5th and 14th Amendments, of Father's only assets and property: his purely intellectual property and his forcefully restricted potential for purely intellectual work.

5. **TITLE 42 U.S.C. § 1983: PROSPECTIVE INJUNCTIVE RELIEF**

Actions, on their face and as committed or threatened to be continually committed by Family Court, to this day, are:

- Unless enjoined by this Court, Family Court will continue to infringe on Father's constitutionally protected rights and cause irreparable injury, as damages alone cannot fully compensate Father for the ensuing harm. This threat of injury from continuing violations requires prompt injunctive relief.

6. **MASS. G.L.C. 12 § 11I: DEROGATION BY THREATS, INTIMIDATION AND COERCION**

Actions, on their face and as committed or threatened to be continually committed by Family Court, to this day, are:

- Deliberate and systemic violations of Father's rights, including articles 1, 10 and 12 of the Declaration of Rights, and specifically by "threats, intimidation and/or coercion."

7. **TITLE 42 U.S.C. § 1985: CLASS-BASED DISCRIMINATORY ANIMUS  
BEHIND ALLEGED SUSTAINED CONSPIRACY**

Actions, on their face and as committed or threatened to be continually committed by Family Court, to this day, are:

- Deliberate and systemic conspiracies to quash Father's constitutional rights, based on a class-based, invidiously discriminatory animus behind Family Court's dark motives.

8. **TITLE 42 U.S.C § 2000E: DISCRIMINATIONS AGAINST IMPLIED  
"COERCED EMPLOYEE" BASED ON COLOR, SEX AND NATIONAL ORIGIN**

Actions, on their face and as committed or threatened to be continually committed by Family Court, to this day, are:

- Statutory violations as deliberate, sustained and systemic discriminations based on color, sex and national origin,
- Explicitly prohibited discriminations that extend to sexual harassment of any kind that meet the statutory requirements,

- "Forced indigency" is an intractable existential state, it is the definition of "slavery," where Family Court is the sovereign "master," controlling even the driver's licenses,
- "Coerced employee" is an unwilling, but severely restricted individual whose fully invalidated and stripped of any rights existence is leveraged solely, and without any compensation, to fraudulently extract significant federal reimbursement "profits" by Family Court for self-maintaining purposes.

9. **TITLE 42 U.S.C § 2000E: PROSPECTIVE INJUNCTIVE RELIEF**

Actions, on their face and as committed or threatened to be continually committed by Family Court, to this day, are:

- Unless enjoined by this Court, Family Court will continue to infringe on Father's constitutionally protected rights and cause irreparable injury, as damages alone cannot fully compensate Father for the ensuing harm. This threat of injury from continuing violations requires prompt injunctive relief.

10. **MASS. G.L.C. 151B: DISCRIMINATIONS AGAINST IMPLIED "COERCED EMPLOYEE" BASED ON COLOR, SEX AND NATIONAL ORIGIN**

Actions, on their face and as committed or threatened to be continually committed by Family Court, to this day, are:



- Statutory violations as deliberate, sustained and systemic discriminations based on color, sex and national origin,
- Explicitly prohibited discriminations that extend to sexual harassment of any kind that meet the statutory requirements,
- "Forced indigency" is an intractable existential state, it is the definition of "slavery," where Family Court is the sovereign "master," controlling even the driver's licenses,
- "Coerced employee" is an unwilling, but severely restricted individual whose fully invalidated and stripped of any rights existence is leveraged solely, and without any compensation, to fraudulently extract significant federal reimbursement "profits" by Family Court for self-maintaining purposes.

11. **MASS. G.L.C. 151B: ASSOCIATIONAL DISCRIMINATIONS AGAINST  
INDUCED "QUALIFIED HANDICAPPED PERSON"**

Actions, on their face and as committed or threatened to be continually committed by Family Court, to this day, are:

- Prohibited associational (specifically across the parallel cases) discriminations that extend to sexual harassment of any kind, that meet the statutory requirements, and against a Father with a severe and discrimination-induced handicap.

- The perfectly able, capable and willing, but restricted to forced isolation & "house arrest" for silencing purposes, Father's "induced handicap" is a fabricated impairment that "fully limits all major life activities of a person."

12.     **MASS. G.L.C. 151B: RETALIATIONS AGAINST COMPLAINTS BY**  
          **THREATS, INTIMIDATION AND COERCION**

Actions, on their face and as committed or threatened to be continually committed by Family Court, to this day, are:

- Deliberate and systemic retaliations against Father, who has relentlessly complained about violations of his rights and the sustained stereotypical discriminations in Family Court,
- Specifically, Family Court's sentencing the documented indigent Father to jail, contradicting the legal standard, occurred just after he mailed his open letter "Is Mass. Chief Justice leveraging, torturing & abusing innocent children?",
- Father states that he has consistently acted in good faith, and has protected his dear children as much as possible,
- As Father has a fundamental liberty interest in his connection with and care of his children, and his children have an interest in having a connection with and being cared for by their father, these retaliations specifically targeted

and fully destroyed his parental bond. Father's four children have lost all connections with and nurturing support from their loving father, and from their entire deliberately and maliciously "ejected" paternal family, all due to Actions,

- Therefore, this classification also has an inherent direct bearing on the fundamental interest in due process rights.

**13. MASS. G.L.C. 151B: INTERFERENCES THROUGH DISCRIMINATIONS BY  
THREATS, INTIMIDATION AND COERCION**

Actions, on their face and as committed or threatened to be continually committed by Family Court, to this day, are:

- Deliberate and systemic interferences (via discriminations) against Father, who has relentlessly complained about violations of his rights and the sustained stereotypical discriminations he had been experiencing in Family Court,
- Father states that since 6/11/2011, he has fully complied with his professional obligations as an able, capable, willing, and eager, trained, and skilled software engineer,
- Father also states that he has productively and verifiably invested a full-time effort, according to his now 30+ years of experience, expertise and skills, as well as his advanced education and training, into preparing for and developing

viable strategies, technical positioning, software implementations and marketing for his software products,

- These interferences nevertheless have led to his financial ruin, lost wages, and skyrocketing in-arrears child supports.

**14. MASS. G.L.C. 151B: AIDING AND ABETTING OF DISCRIMINATIONS BY THREATS, INTIMIDATION AND COERCION**

Actions, on their face and as committed or threatened to be continually committed by Family Court, to this day, are:

- Deliberate and systemic aiding & abetting of discriminations against Father, who has relentlessly complained about violations of his rights and the sustained stereotypical discriminations he had been experiencing in Family Court,
- Father states that since 6/11/2011, he has fully complied with his professional obligations as an able, capable, willing, and eager, trained, and skilled software engineer,
- Father also states that he has productively and verifiably invested a full-time effort, according to his now 30+ years of experience, expertise and skills, as well as his advanced education and training, into preparing for and developing viable strategies, technical positioning, software implementations and marketing for his software products,

- These discriminations nevertheless have led to his financial ruin, lost wages, and skyrocketing in-arrears child supports,
- Therefore, this classification also has an inherent direct bearing on the above concluded ordinary tort and defamation.

**15.        MASS. G.L.C. 151B: PROSPECTIVE INJUNCTIVE RELIEF**

Actions, on their face and as committed or threatened to be continually committed by Family Court, to this day, are:

- Unless enjoined by this Court, Family Court will continue to infringe on Father's constitutionally protected rights and cause irreparable injury, as damages alone cannot fully compensate Father for the ensuing harm. This threat of injury from continuing violations requires prompt injunctive relief.

**16.        MASS. G.L.C. 215 § 9: VIOLATIONS OF "RIGHT TO APPEAL"**

Actions, on their face and as committed or threatened to be continually committed by Family Court, to this day, are:

- Violations of Civil Code, as Father's right to appeal Family Court's decisions was deliberately and repeatedly infringed on when his repeated attempts to appeal were systemically sabotaged by secretly denied indigency requests/affidavits.

- Violations of Civil Code, as Father's exclusive remedy for grievances against Family Court's decisions was deliberately and repeatedly infringed on when his attempts to appeal were systemically sabotaged by purposely falsified docket records.

17.        **MASS. G.L.C. 258D: ERRONEOUS CONVICTIONS AS FURTHER  
RETALIATIONS AGAINST A WHISTLEBLOWER**

Actions, on their face and as committed or threatened to be continually committed by Family Court, to this day, are:

- Deliberate and systemic retaliations against Father, who has relentlessly complained about violations of his rights and the sustained stereotypical discriminations in Family Court, also resulted in a now 20+ court hearings purposely avoiding & minimizing the issue of the now **\$240,000+** in-arrears child supports, a therefore unjust and coerced federal felony,
- Father states that, since 2/12/2018, he has relentlessly pled for relief, by filing repeated complaints for modifications, from Family Court on the grounds of fraud.

18.        **SYSTEMIC AND LONG-TERM DELIBERATELY COLLUDING DEFAMATIONS**

Actions, on their face and as committed or threatened to be continually committed by Family Court, to this day, are:

- Deliberate and systemic violations of civil rights and sustained stereotypical discriminations in Family Court all emanate and are based on also systemic and long-term fraud and intentional defamations, claimed specifically and with particularity in Father's now briefed paired appeals re: "toxic masculinity" and "mental health madness" defamations.

19.           **SYSTEMIC AND CONSPIRING ABUSES OF DISCRETION**

Actions, on their face and as committed or threatened to be continually committed by Family Court, to this day, are:

- Deliberate and systemic violations of civil rights and sustained stereotypical discriminations in Family Court are documented abuses of discretions by state officials,
- Sworn to uphold the Constitution, Family Court should not deliberately and simultaneously subvert it with emotional and child-predatory ad-hoc "theories," in order to secure federal reimbursement "profits" in the tens of millions of dollars, as this amounts to "manipulation of the judicial process."

20.           **JUDICIAL ESTOPPEL FOR CHILD-PREDATORY DISCRIMINATIONS**

Actions, on their face and as committed or threatened to be continually committed by Family Court, to this day, are:

- "Forced indigency" is an intractable existential state, it is the definition of "slavery." Predatory "Critical XYZ Theory" doctrines are incapable of resolving it. While all mothers must receive support, Family Court shouldn't hold that never protected fathers cannot run out of resources,
- The combination of MERA and anti-discrimination statutes conclusively identify "protected classes" as only groups of people that are not "normal, healthy, capable, productive, committed and **white males**." Therefore, such combinations of statutes are unconstitutional, as they directly contradict the simple "all" clause in the protective US Constitution,
- Sworn to uphold the Constitution, Family Court should not deliberately and simultaneously subvert it with emotional and child-predatory ad-hoc "theories," in order to secure federal reimbursement "profits" in the tens of millions of dollars, as this amounts to "manipulation of the judicial process,"
- While upholding the US and Mass. Constitutions, the Superior and Appeals Courts should not allow unconstitutional decisions and falsified docket records by Family Court to uncontrollably "metastasize" throughout the judicial system.

21.

**DEMAND FOR DECLARATORY RELIEF**



Actions, on their face and as committed or threatened to be continually committed by Family Court, to this day, are:

- This is a genuine and profoundly child-abusive, malicious controversy between Father and Family Court as to Father's entitlement for reconciliation, emotional, personal and paternal reparations and payment of his realized significant material damages and deliberately forced losses,
- Father is entitled to a determination of his rights, specifically his constitutional rights, including his parental rights, duty and status under the terms of his acknowledged fatherhood, rightful employability, right to exist, right to earn a living, and his right to support his hapless, sadistically tortured and now fatherless children.

PRAYER FOR RELIEF

WHEREFORE, Father respectfully requests that this Court:

1. Enter judgment against the Defendants;
2. Enter a declaratory judgment declaring Actions of Family Court to be a violation of Father's constitutional rights to freedom of speech, equal protection, and his due process;

3. Enter a declaratory judgment declaring Actions of Family Court to be prohibited stereotypical discriminations based on color, sex and national origin;
4. Issue a declaratory judgment declaring that Family Court's orders and judgments are unconstitutional on their face;
5. Issue a declaratory judgment declaring that Family Court's orders and judgments are discriminatory on their face;
6. Issue a declaratory judgment that the Family Court's orders and judgments are unconstitutional as enforced and as applied;
7. Issue a declaratory judgment that the Family Court's orders and judgments are discriminatory as enforced and as applied;
8. Issue a preliminary and permanent injunction enjoining the Defendants, their agents, employees, and officers from enforcing the Family Court's orders and judgments in Father's matters;
9. Enter a declaratory judgment adjudicating the rights, duties, and relevant status of the parties under general rights, including parental rights, right to earn a living, and right to support one's children, etc., pursuant to G.L.c. § 231A;
10. Award damages to Father for his suffered significant personal and professional harm, injury, and devastating material damages, specifically including realized losses and lost wages;

11. Award compensatory damages to Father to fully compensate him for his injuries, pain, and suffering caused by Defendants' discretion-abusive and discriminatory conduct, pursuant to 42 U.S.C. § 1983 and other above-referenced statutes, including anti-discrimination statutes, in an amount not less than 8.7 Million Dollars (\$8,700,000.00);

12. Assess civil penalties and punitive damages against the Defendants to vindicate the public interest, pursuant to 42 U.S.C. § 1983 and other above-referenced statutes, including anti-discrimination statutes, in an amount no less than triple damages;

13. Award the Pro Se Father costs, interests, expenses, and "legal fees" pursuant to 42 U.S.C. §§ 1983 and 1988, and other statutes;

14. Enter that all costs of this action be taxed to Defendants;

15. Urgently restrain Family Court by ordering judicial estoppel on documented subversionary and child-predatory unconstitutional activities re: indigency, equal rights and due process;

16. Grant all such other and further relief as the interests of justice may require, and that this Court deems just and proper, including equitable relief.

JURY DEMAND

Father demands a trial by jury on all claims so triable.

CERTIFICATION AND CLOSING

Under Fed.R.Civ. § 11, by signing below, I certify to the best of my knowledge, information and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Signed under the pains and penalties of perjury.

December 1, 2021

Respectfully submitted,

/s/ Imre Kifor, Pro Se  
718 Main St.

Acton, MA 01720  
I have no phone  
[ikifor@gmail.com](mailto:ikifor@gmail.com)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that true copies of the above Plaintiff's Second Amended Complaint For Systemic Discriminations And Civil Rights Violations was this day served upon Defendants by emailing same to Atty. Evelyn Tang (AGO) at [evelyn.tang@state.ma.us](mailto:evelyn.tang@state.ma.us).

Signed under the pains and penalties of perjury.

December 1, 2021

/s/ Imre Kifor, Pro Se  
718 Main St.  
Acton, MA 01720  
I have no phone  
[ikifor@gmail.com](mailto:ikifor@gmail.com)

## COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT

CIVIL ACTION 2181CV00921

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IMRE KIFOR, )  
                     Plaintiff )  
 v. )  
                     )   
 THE COMMONWEALTH OF MASSACHUSETTS, )  
 MIDDLESEX PROBATE & FAMILY COURT )  
                     Defendants )  
 -----

**RECEIVED**

12/2/2021

**PLAINTIFF'S MEMORANDUM OF LAW RE: SYSTEMIC LONG-TERM CHILD-**  
**PREDATORY DISCRIMINATIONS IN FAMILY COURT**

NOW COMES the Plaintiff, ("Father"), and respectfully states<sup>1</sup>:

1. Father first brought his complaints against the Defendants, ("Family Court"), based on ongoing documented violations of his civil rights. Moreover, Father's recent appellate filings<sup>2</sup> are specifically about the documented, routine and sustained long-term abuses of discretions & intentional torts by Family Court.

2. As Family Court recently abandoned their dogmatic years-long stance that Father cannot possibly be indigent, only to reject

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<sup>1</sup> To uniformly support Father's claims, this memorandum is identically and simultaneously submitted to the Middlesex Probate & Family Court, Middlesex Superior Court, Mass. Appeals Court and US District Court.

<sup>2</sup> See the now briefed 2021-P-0503, 2021-P-0901 and 2021-P-0902 paired appeals in the Mass. Appeals Court.

all his many attempts to appeal their decisions, 17 transcripts have been produced for reviewing during the appeals proceedings.

3. Based on these newly revealed 500+ pages of concrete and official evidences of Family Court's practices, Father moves to amend/renew his complaints to now fully incorporate factual allegations of material and systemic statutory discriminations.

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## **FACTUAL INCONSISTENCIES IN COURT PRACTICES AND RECORDS**

### **Inconsistencies With US & Mass. Constitutions**

"Free Speech" - First Amendment "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

1. Judge Donnelly denied Father's motion to publish due to  
*"concern that professionals who provide service to this Court  
will be harmed by what he puts out on the Internet,"* A:008<sup>3</sup>.
2. Judge Bisenius took Father "off the list," A:559, despite his  
6 motions to investigate & for relief filed on 7/16/2018, A:565.
3. Judge Black found Father guilty for speaking freely, A:109.
4. Judge Monks denied Father's motion to publish, A:127.
5. Judge Black denied Father's motion to publish, A:141.
6. Judge Black denied the filing of "outside" complaints, A:142.
7. Judge Black denied the motions to investigate, A:144-147.
8. Judge Monks denied the motions to investigate, A:153-154.
9. Judge Cafazzo precluded Father from filing pleadings, A:182.
10. Judge Cafazzo denied Father from contacting or complaining,  
in "any manner," to his children's public schools, A:219.
11. Judges Monks & Cafazzo ignored Father's repeated complaints  
against attorneys & precluded his complaints to the BBO, A:295.
12. Judge Allen ignored Father's repeated complaints & concrete  
deeply child-abusive evidence against attorneys, A:376,456,473.

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<sup>3</sup>Pages in the exhibits (filed as separate documents) are referenced by  
'A:p' or 'B:p', for page 'p' in volume I or II, respectively.

Fifth Amendment (And The "Takings Clause") "No person shall be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

13. Without any due process, Family Court suborned perjury on Father's children, *"THE COURT: But do you understand -- did you read the position statement of the ARC attorney for your children? Your children don't want to have relations with -- don't want you to contact them. So what the Court is going to ask you: Would you honor their wishes?,"* A:176, with, *"To forget my children?"* & *"THE COURT: Not to forget. To just temporarily not contact them,"* A:176, to then turn it into a sadistic final judgment, A:286, and leading to a maliciously deprived Father's now **1,324** attempted unsuccessful calls to all his dear children.

14. Inconvenient, but always consistent testimonies, *"FATHER: I don't have anything that would allow me to apply for a job without being rejected outright. I can't contact them. I don't have a phone. I don't have a driver's license. I have applied in an email. And the only thing I have is my website with the records of my work,"* A:304, are ignored in Family Court, and when the, *"THE COURT: So can you come up with any money today, sir?"* predictably and consistently leads to, *"FATHER: I have*

*absolutely no money," A:362, immediate deprivation of liberty,  
"THE COURT: Take him into custody. Thank you," A:363, results.*

15. Without any due process, Family Court took and then canceled Father's entire professional life only to silence him, "ATTY. XAVIER: *If he obtained a job at Whole Foods like my client does, earning \$18 an hour, he could easily pay the supports," A:167, leading to, "THE COURT: So it's no more 'I have the software.'* *Go apply to jobs. Get a job... And then you can avoid having to be incarcerated," A:167, and finally, "THE COURT: But working making money. Not continue to work on your software," A:179.*

#### Intellectual Property & The Takings Clause

16. Non-physical work and publishing the results are denied, "FATHER: *I'm a software developer ... I have developed software ... to process large amounts of documents and extract narratives from ... documents ... I brought 3 laptops [with] a prototype of this software that I would like to publish. And I am offering, Your Honor, to take a look at it," B:7.*

17. And then banned, "THE COURT: *So it's no more 'I have the software.'* *Go apply to jobs. Get a job."* A:167, and "But working making money. Not continue to work on your software," A:179.

18. Intellectual property is valued only for attorneys, "ATTY. XAVIER: *It is yet another installment in what has been a history of harassing complaints filed against my client in the Superior Court, the Probate Court, and the Appeals Court. There was a judgment -- the judgment provides that my client also gets \$13,000 in fees. That has not been paid. It has been, Judge, just a cycle of filing frivolous actions that have incurred unnecessary costs.*" B:59, and while, "THE COURT: *Sir, I'm required to hold you to the same standard of understanding procedures that I do someone who is represented by counsel,*" B:30, Pro Se pleadings are ignored or denied without reason.

"Due Process & Equal Protection" - Fourteenth Amendment "[...]  
nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

19. Regardless of Father's sustained efforts to present his relevant evidences and call his witnesses, A:259-262, as per, "Mr. Kifor has filed a -- you know, quite disrespectfully -- a simultaneous, identical pretrial memo for both cases," A:233, the dogmatic response is, "THE COURT: **Obviously, you're going to be your only witness.** She's going to be the only witness. We can have a trial at two o'clock," A:237, and, "THE COURT: I'm going

*stop you right here ... and that's what I'm inclined to do, to hold you for trial at 2 o'clock ... You're going to present yourself as a witness, and then Counsel is going to present her as a witness, and then I'm going to make a judgment," A:239.*

20. On one hand *"ATTY. XAVIER: Mr. Kifor has filed a -- you know, quite disrespectfully -- a simultaneous, identical pretrial memo for both cases," A:233, specifically listing the "Supervised Visits Canceled" emails as exhibits served on him, but then denying, "ATTY. XAVIER: I haven't seen them. I haven't seen them," A:241, seeing the same exhibits during the trial.*

21. During the purposely hasty "show" trial, A:290, Family Court knowingly quashed Father's critical exhibits by conspiring with the attorneys' lies, A:263-283, *"FATHER: I have emailed this. It's called 'Supervised Visits Canceled.' It's emails regarding how the supervised visitations were canceled throughout this very long time,"* and then, *"ATTY. XAVIER: I haven't seen them. I haven't seen them," A:241, leading to a staged denial of the key controversy, "THE COURT: But because it's contested -- it's a contested document -- I cannot allow it in at this time," A:242.*

22. Violating due process re: material witnesses is a routine occurrence in Family Court trials, as per, *"FATHER: During the last hearing, on August 7th, the Court told me that I can't have*

any other witnesses other than the mother. Unfortunately, the finances are all related to the other mother. She was the one who kept all of those millions of dollars that the lawyers were trying to put on me," A:325, and once again, "FATHER: Based on what you ordered on August 7th -- that I cannot have any other witnesses for the trial -- I wanted to address that," A:326. Still, ultimately, "THE COURT: All right. So I'm entering an order that ... **The parties will be the only witnesses**," A:397.

23. Malicious fabrications without any due process, "ATTY. OTIS: He claims he is unemployable, but that's because he has made no effort whatsoever to find a job," A:007, allow for suspension of licenses, A:256, due to, "THE COURT: So I'm the only one who has the ability to enter an order that you are in contempt, that you are incarcerated, that you have a suspended sentence, you have to actually like serve a sentence; that's in my power," A:331.

24. Stereotypical silencing of meticulously documented evidence, "ATTY. OTIS: We were provided a copy of Kifor's Motion to Vacate Dr Deutsch's Report, filed in the Middlesex Probate & Family Court," A:016-020, coupled with a most prestigious law firm's partners' note, "ATTY. NARDONE: The satisfaction you are seeking is likely not to come out of trial with a Judge who thinks so very highly of Dr Deutsch, no matter how hard we try to point

out flaws," A:021, cannot be called "equal protection of laws" when the same judge, without any due process, simply ignores, "FATHER: A publicly filed motion -- it's a memorandum about me. Complete lies. I cannot possibly even think about getting a job anywhere if I have that kind of cloud over my head," A:031.

25. Refusing any due process, Family Court officially steals from deprived children, as per, "THE COURT: -- so, I'm kind of confused. You want to retroactively increase -- at least triple -- your child support?" & "FATHER: Yes... Yes," leading to, "THE COURT: Well, ... I'm actually going to deny this motion, the one that you just filed in regard to tripling, and that's going to be taken care of today. So that one's done, denied," A:165. And, after 19 hearings, the in-arrears supports are now at **\$240,000+**.

#### Stereotypical Abuse & Sexual Harassment

26. Family Court fabricates "high conflict" on purpose, "THE COURT: What does that have to do with the guardian ad litem's report, sir?," "FATHER: We had that material change... making the [mother] lie under oath... despite all of the talk we had, the efforts that we made, Dr Deutsch still maintained that during our divorce, [mother] was forced -- was made to leave her children behind because she was afraid of me and I was abusing her and all of that... Now, if I go back to 2007 and 2008,



*during our divorce we did not have a single hearing. There was no guardian ad litem involved. We settled everything," B:10.*

27. Family Court dogmatically applies stereotypical fabrications such as, "abuse inflicted on almost invariably a child or a woman," A:044, to Father only, yet documented violence "Cyndi Oulton 'was mean to my brother Sam. She hit Sam. Sam would cry. She hit him in the same places'" A:051, cannot exist, A:147.

28. "FATHER: Atty. Foley started the whole thing by telling Cynthia that she would get \$10,000 a month child support. Judge Gibson gave her, I think [a total of] \$1,200 dollars at the end. But in the meantime Atty. Foley collected \$70,000." B:8.

29. Without any due process of law, Family Court stereotypically labelled and then defamed Father, as per, "I had concerns about his mental health. And I remember Dr Deutsch did psychological testing. Somers never did. So that is where -- if there is any overlap at all -- that is the only piece that we cared about in the Deutsch matter," A:050, while Family Court also blatantly refusing to even acknowledge Father's communications, A:505-555.

30. Family Court ignores statutory sexual harassment, when "such conduct have the purpose or effect of unreasonably interfering with an individual's work performance," as per, "FATHER: But, I can make \$350,000 a year. I cannot get a job if I have these

judgments hanging over me saying that I **raped someone**. That is not true... that I abused children, that is not true... that I have possible personality disorders, that is not true." A:151.

31. "FATHER: Hi Julia [Brice, supervised visitation monitor], I simply cannot agree on making my daughter feel 'uncomfortable' while allegedly in my company. And I want to reiterate my urgent request for family therapy to deal with and solve all these 'problem areas.' I believe it is about time for all the adults to stop using my children as soulless pawns in this extremely cruel game of psychology chess. Before I agree to the 'dark movie theater' visits I need WRITTEN confirmation that children are BOTH comfortable in my company. During my almost 50 court hearings I have watched too many **father-daughter tragedies** in court to understand the extent potential psychopaths called lawyers are willing to push and push and push," B:26.

32. "FATHER: At one point Julia Brice said 'I can't do this anymore' because she had been learning about all of the details behind these lawsuits. 'I need to give this to someone else'" "THE COURT: So you're saying she canceled it?," "FATHER: No, she didn't cancel ... she said, 'Well, I don't really have any other choice... I am not going to be doing any of these supervised visits anymore with you.' And that was the

time -- I can actually give you Exhibit 7. I have the full email trace of how the Julia Brice visits were canceled," B:21.

33. "FATHER: I can't put my children into a position where they have to suffer from this. So, we canceled the visits," B:22.

34. "THE COURT: You told her that you didn't want to continue?,"  
"FATHER: I grew up in Romania, in a communist country. The government did that all the time. Children were asked, and then the father went to jail or disappeared. And I said, 'I don't want my children to be put on the spot to have to choose between a father and a mother.' I have no issues with [the] mothers. I do have an issue with the lawyers coming in and creating this horrible conflict, in court, and torturing children," B:21.

#### **Inconsistencies With SJC Code Of Judicial Conduct**

Pursuant to Code of Judicial Conduct, Father enumerates:

Rule 1.2 Promoting Confidence in the Judiciary "The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge violated this Code or engaged in other conduct that reflects adversely on the judge's honesty, impartiality, temperament or fitness to serve."

35. Without due process, Judge Black blatantly re-framed a same & clear "Husband is NOT GUILTY of Contempt as filed in Mother's

*Complaint for Contempt on March 23, 2013," A:107, judgment into a "The Defendant, Imre Kifor is GUILTY of contempt for willfully and knowingly disseminating information pertaining to the case in violation of the Judgment, dated February 13, 2014," A:109.*

36. Without due process, Family Court fabricated convenient but false realities, as per *"FATHER: The September 26th judgment says that I cannot publish anything. But it was based on lies. Because I did not publish only three emails, I sent over a hundred sixty-six emails over four years, trying to maintain my connection with my children," A:323, and, "FATHER: This is the really sad part -- that it was about the other two children. And this seems to be the problem, that one case doesn't want to acknowledge the other one, but at the same time all of the judgments are based on the cross-referencing on it," A:324.*

Rule 2.2 Impartiality and Fairness "In the absence of fraud, corrupt motive, or clear indication that the judge's conduct was in bad faith or otherwise violates this Code, it is not a violation... to make findings... as the judge understands it."

37. In the proven presence of fraud or corrupt motive, prior findings must be promptly reevaluated or reconsidered de novo. Father's "Affidavit On Sadistic Family Court Using Children To Conceal Systemic Due Process Violations" filed on 7/19/2021

documents yet another concrete manifestation of the child-abusive fraud-scheme systemically allowed in Family Court.

38. Father has been vocal about the attorneys' blatant and documented child-predatory lies during the 4/24/2019, 6/6/2019, 8/5/2019 and 10/21/2019 hearings and trial, yet any attempts to investigate "trusted" officers have been systemically denied.

39. Even revelations of long-term subornation of perjury on children by Family Court and "trusted" officers, A:443-451, have been immediately silenced and turned into a contempt on Father.

Rule 2.3 Bias, Prejudice, and Harassment "A judge shall require lawyers in proceedings... to refrain from manifesting bias or prejudice or engaging in harassment... including bias, prejudice or harassment based upon a person's status or condition."

40. While engaging in discriminatory "flagging," or filtering of "inconvenient" pleadings by "unpersuasive" Pro Se parties, A:182, Family Court allowed yet another fraudulent complaint for contempt to be filed on 6/22/2021, A:444, harassing and threatening Father, based on his indigency status.

Rule 2.5 Competence, Diligence, and Cooperation "In disposing of matters efficiently and in a timely manner, a judge must

demonstrate due regard for the rights of parties to be heard and to have issues resolved without unnecessary cost or delay."

41. Disregarding properly filed Pro Se pleadings, Family Court deliberately postponed, 6/4/2021, and then quickly dismissed, 6/23/2021, all the "to be heard" existential layman efforts. While extending the already accumulated \$220,000+ in-arrears child support/expenses/insurances by at least another 6 months, or by \$30,000+, Family Court instead created an opportunity to further churn the endless child-predatory cases.

Rule 2.6 Ensuring the Right to be Heard "The right to be heard is an essential component of a fair and impartial system of justice. Substantive rights of litigants can be protected only if procedures protecting the right to be heard are observed."

42. Family Court has no need to consider a Pro Se Father's any pleadings (they can now be "flagged"), any evidence (they can now be rejected), any witnesses (they can now be denied), and any children (they can now be tortured to say virtually anything through forcefully appointed ARCs).

Rule 2.15 Responding to Judicial and Lawyer Misconduct "Taking action to address misconduct is part of a judge's duties," "A judge having knowledge of or receiving credible information

indicating a substantial likelihood that another judge has otherwise violated this Code shall take appropriate action."

43. The systemically banned transcripts of the 17 court hearings point to a consistently vocal whistleblower Father's existential struggles and complaints regarding the capricious and fraudulent conduct allowed to unconditionally persist in Family Court.

Rule 2.16 Cooperation with Disciplinary Authorities "A judge shall not retaliate, directly or indirectly, against a person known or suspected to have assisted or cooperated with an investigation of a judge or a lawyer."

44. Family Court ignored Father's attempts to appeal, A:181, and effectively started sabotaging all his efforts after 6/6/2019.

45. Endlessly repeated fraudulent complaints for contempts, unconditionally allowed to be filed in Family Court against Father, ultimately led to Father's silencing jail sentence.

#### **Inconsistencies With Mass. Statutes**

Mass. G.L.c. 151B § 1 (Definitions for discrimination)

- "17. The term 'handicap' means (a) a physical or mental impairment which substantially limits one or more major life activities of a person; (b) a record of having such impairment; or (c) being regarded as having such

impairment, but such term shall not include current, illegal use of a controlled substance as defined in section one of chapter ninety-four C,"

- "18. The term 'sexual harassment' shall mean sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment. Discrimination on the basis of sex shall include, but not be limited to, sexual harassment,"
- "19. The term 'handicapped person' means any person who has a handicap,"
- "20. The term 'major life activities' means functions, including, but not limited to, caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working."



46. Stereotypical discriminations without any due process, "[Father's] cultural background is Romanian," A:045, "he wishes to return to Romania," A:047, coupled with, "[Atty.] Xavier goes on to characterize Father's filings as 'incomprehensible' and 'unintelligible.' Father is undeniably a proud immigrant of 32 years, speaks 4 languages and learned English only after turning 24. He is now a 'Pro Se' layman with absolutely no skills, training nor experience in the 'legal trade,'" A:187, directly led Family Court to, "THE COURT: Oh, good. I'm glad because, you know what, they're not going anywhere... So I'm going to make an order in that respect, and I'm going to allow Counsel's motion on the -- precluding you from additional filings," A:178.

47. Regardless of how Father files his pleadings, they always get ignored, "THE COURT: So therefore, sir, the decision of the Court today is that these motions are not properly before the Court, so I'm taking no action on them. And as I indicated, the Court will always act on properly filed pleadings, and motions entered in addition to that," B:18, and, "THE COURT: So, Mr. Kifor, did you file a written opposition to the motion? FATHER: regarding the dismissal motion -- yes, I have filed several motions and, very specifically, a motion -- asking for relief based on systematic fraud that was happening," B:60.

48. Regardless of how Father files his notices of appeals, they always get ignored, "THE COURT: I want you to answer my question, not just tell me what you want me to know. I want you to answer my question. FATHER: Right. So I -- At this point, I have not been able to appeal anything because the Court has not -- the Family Court has not accepted any of my appeal notices, has not done any of the tape recordings. I don't have the tapes to appeal. I cannot appeal anything at this point," B:58.

Discrimination - Implied Coerced Labor Context

49. "THE COURT: So have you complied with the order, sir?" and, "FATHER: Yes. I -- after the June 6th hearing and trial, I was fortunate enough to get a minimum-wage contract. And I have been paying child supports based on that minimum-wage contract for the last eight weeks. I owe the IRS \$8,600. And the IRS says that it's not collectible. I simply do not have the money. I also -- the DOR, Child Enforcement Division -- I've been saying this in court: they have an open case. **The attorneys have been lying about it** -- And the DOR withdrew... my licenses on June 13th. I simply don't have a car. I don't have any money." B:32.

50. "FATHER: I've been working very hard. I have been making minimum wage and that was a two-month contract. That would expire this coming week. **I have a professional website.** I have

made every effort to produce work that is produced by people making \$500 an hour in the software industry," B:33, and, "THE COURT: And you have no other assets? FATHER: I have no assets whatsoever. I have \$56 in my account. I have bank statements, I have the IRS -- THE COURT: Okay. FATHER: -- letters," B:34,

51. "THE COURT: But what about applying for -- actually applying for jobs -- showing the Court that you've made applications to specific jobs? FATHER: I do not have a car. I do not have a driver's license. I cannot do anything physically. But I have sent out **over 800 emails**. And I have 800 -- THE COURT: I understand, but -- FATHER: -- copies of 800 emails. THE COURT: -- emails aren't the same as actually applying for jobs. So -- FATHER: I cannot possibly apply for a job. I don't have a phone. I don't have a car. I don't have a license. I don't have anything that would allow me to do -- to apply for a job without being rejected outright. I can't contact them. I don't have a phone. I don't have a driver's license. I have applied in an email. And the only thing I have is my website with all the records of my work. I have open-source code. People can look at it. I simply cannot go in and -- THE COURT: Okay. FATHER: -- in an interview [when] asked, 'So what is going on with you? We hear you have this court problem. We can't do that. We are not going to take that risk with you. And we are not going to give

you a hundred thousand dollar -- [or even] \$70,000 salary.' It's [impossible] THE COURT: Okay. Okay. I hear you," B:37.

52. "THE COURT: A prior judge attributed income to you, that you could make. That's what your current support order is based on: a minimum-wage job. It's your choice if you want to go get a minimum-wage job or not. I still have to enforce the order," yet, "FATHER: I was ordered -- **I was ordered in this courtroom to go and get a minimum-wage job.** THE COURT: Right. FATHER: Okay. I did. At that time with that job -- with that salary that I was getting, I went to the other courtroom, and they said for that, if I pay this mother \$233 or \$255, the other mother, instead of getting \$342 would get \$37, which the Judge absolutely disagreed with because the other mother was given child support first, three years before this mother," B:44.

Discrimination - Stereotypical Abuse & Sexual Harassment

53. "THE COURT: But what does one have to do with the other? FATHER: I have been accused with [sic] **rape**. I have been accused with **child abuse**. I have been -- THE COURT: Okay. FATHER: -- accused of -- THE COURT: You know what, that has -- FATHER: I -- THE COURT: -- already been litigated. We're here today in re: to your child support and whether you're in contempt of that child support. THE COURT: And, in another breath, you're telling me

that you can make more than minimum wage, that you can make over a hundred thousand dollars a year. Am I hearing you correctly? Is that correct? FATHER: That is correct," B:35.

54. "THE COURT: All right. So I see on your financial statement -- do you have a job at Quantapix now?", nevertheless, "FATHER: It's my company. It is completely out of money. And I've been working very, very hard. I had contacts. Unfortunately, I just came out of jail because of the other case. And I simply don't have any money. And I have some documents here that have been submitted to the Court. And with these kind of documents around -- with **child abuse** and **rape** and all this personality disorder, that hasn't been proved -- and it's impossible. At this point, I talk to people -- I talk to investors and they say, 'And look, you know, we are going to wait for this to end,'" B:49.

Discrimination-Induced Handicap

55. "FATHER: I also filed a motion regarding this. I filed all the notices of appeal properly. The Appeals Court came back with 'Well, there's no notice of appeal. There are no orders for tapes.' I absolutely intend to appeal everything at this point. I can't survive like this. I am appealing everything," B:57.

56. "THE COURT: Listen. I'm not here to relitigate your support order. FATHER: No. THE COURT: That's not before me. The support

order is what it is. And you need to pay that. FATHER: I fully -- THE COURT: And -- FATHER: -- agree with that. THE COURT: You totally agree with that. FATHER: But -- THE COURT: Okay. So, you owe a thousand dollars. You owe a thousand dollars, right? ATTY. XAVIER: 1,460. THE COURT: 1,460. That's what you owe. FATHER: Your Honor, **I owe a hundred and ten thousand dollars** [as in-arrears supports]. It's in my financial statement," B:43.

57. "THE COURT: So, you need to tell me what you want to do. Do you want me not going forward on the motion for reconsideration and not setting trial dates on the piece that is still alive for you to go to the Appeals Court? Or do you want to proceed? What do you want to do?" and, "FATHER: I cannot possibly proceed re: the child support and the finances without even considering all the deception & everything else going on. I don't have anything left. And [mother] is asking for... \$53,000, right today. At the same time, just last Thursday in the Superior Court in a \$1 million defamation case, she agreed that I don't have even \$40 to pay for the sheriff to serve the summons, and the judge allowed it. So, I don't have any grounds whatsoever to argue anything regarding to child support. And, at this point, Your Honor, the child support is **a hundred and thirty thousand dollars**. I haven't had my driver's license since June

13. *I simply can't exist. I am in a house arrest for no reason. I cannot get a job. I have sent out 800 emails."* B:53.

Associational Discrimination

58. *"FATHER: I have this contempt, and I have a contempt in the other court. THE DUCHESNE COURT: I understand. FATHER: Okay. THE COURT: You know what, I'm not concerned with what goes on in the other court, with the other case, with a different child. I'm only concerned with what's before me today."* B:42.

59. *"THE OULTON COURT: Again, I am not concerned about the other courtroom. Can't you testify as to where you're living and how you get food and shelter? FATHER: Oh, absolutely. THE COURT: All right. So who's -- who else? FATHER: And the most important part is that I fully agree with the child support. I'm not contesting whatever she said here. I want to pay more. I cannot pay because of what was written about me. And Barbara Duchesne is the one that started all that. And she witnessed it,"* B:51.

60. *"FATHER: I have the documentation. I have the proof. I was put in jail for not having any money. I could not pay even a hundred dollars. I'm an immigrant. I came here with nothing. I have nothing left. In the court -- not in this court, in the parallel court -- my parents were [FALSELY] blamed that they stole millions of dollars back through me. And they don't even*

live in Romania. They came from Romania as political asylum. And it is impossible to survive with these kind of lies around me. And just a few months back -- million-dollar attorney in the other case was lying about my birthday emails to my children. THE COURT: All right. So I have this case. And this is all that I'm concerned about, all right, is this case," B:50.

Retaliation Against Complaint For Discrimination

61. Family Court silences with a guilty judgment, "MS. OULTON: Those findings had already found him in contempt of the same thing from back in 2011. So there's a really long history. And when I say 'emails,' it's not your average email. It includes strings of all kinds of other emails, all court-related stuff. He's morphed myself and his ex-wife and this case all into one to make it look far more inflated," and, "FATHER: Those emails have been sent to the police department because I consider that there is significant fraud on the court that happened, and I would like it to be investigated. I sent it to the Westford and Concord police. I sent it to DCF... I would like to say -- and this is exactly what I said in the trial with Judge Gibson as well -- I, under extreme legal duress, cannot possibly protect myself. There have been so many lies accumulated." B3-11.



62. Family Court silences with a bullied & false agreement to "forget children," "ATTY. XAVIER: He was ordered by the Court not to contact the children in any manner: phone, mail, in-person, or social media. He agreed not to contact the minor children... This -- the judgment, Judge, was entered after a trial on the merits. THE COURT: Correct. ATTY. XAVIER: And in fact, on October 5th, 2019, he violated that provision of the judgment, paragraph 4, by contacting the children via FaceTime phone call. THE COURT: Did you do that, Sir? FATHER: I have called all my four children on FaceTime. THE COURT: Wait, wait. Do you know that that is prohibited by the judgment that was entered after a full trial on the merits? Do you -- do you -- you know that? Did you get that judgment? FATHER: I did. And I -- THE COURT: You did. FATHER: -- appealed it, Your Honor. And I -- THE COURT: Well, wait, wait -- FATHER: -- filed it," B:40.

63. Close temporal proximity is suggestive of retaliation, as the open letter titled "Is Mass. Chief Justice leveraging, torturing and abusing innocent children?", A:366, was mailed just before the jail sentence, "THE COURT: No, no. We're asking you to pay 1,464 today, or you're going to jail for fourteen days. MR.KIFOR: And if I do that -- if I had the money -- if I did that, I still would have to pay \$34,000 -- THE COURT: I'm not concerned -- FATHER: -- otherwise I would go to jail again

[in the other case]. THE COURT: You know what, I'm not concerned about that. I'm concerned about today. FATHER: Yes. THE COURT: So do you have any money to pay? FATHER: Your Honor, I don't. THE COURT: Okay. THE COURT: Take him into custody," B:47.

#### Interference Through Discrimination

64. "THE COURT: If you want the Court to address your current support order, you need to file a complaint for modification. You have not done that. You have not sought permission from me to do that. But until you do that, this is what your support order is. FATHER: I have filed a complaint for modification. And I -- THE COURT: No, you have not. FATHER: I have a judgment. THE COURT: No, but based on the fact -- the change is that you actually have a job now. FATHER: I -- THE COURT: Right? FATHER: -- do not have the job. THE COURT: Oh, so you don't have a job now? FATHER: No. Because what happens is -- August 5th, in courtroom, Your Honor told me, 'The minimum-wage job is not good. I [sic] need to do better.' ATTY. XAVIER: I think what the Court stated was that he could be looking for other employment and take a job where he can pay child support, Judge. Even a 'flipping-your-burgers' job, or a Whole Foods job where he earns \$18 an hour, would enable him to pay the requisite child support to my client, and we wouldn't be here," B:44.

65. *"THE COURT: But you're still in arrears and there's a suspended sentence hanging over your head of fourteen days in jail or you're going to have pay 1,464," "FATHER: I have absolutely no money. This is the whole point. And what happens -- even if I don't go to jail today, I will go to jail for \$34,000 that Judge Allen is telling me that I have to pay for back child support. The other mother doesn't have any money. She's not a millionaire. She has \$7,000 savings. Okay. So if you feel that I have to go to jail, I will just go to jail," B:46.*

Aiding And Abetting Discrimination

66. Family Court ignores relevant details, *"FATHER: And Dr Deutsch was asked, 'Please talk to both mothers.' Dr Somers, the other guardian ad litem, agreed and talked to both mothers. Dr Deutsch refused to talk to the mother of my younger children. Yet she wrote down in the guardian ad litem report that was later shared within the two lawsuits -- she wrote down that, according to my seven-year-old son, who had not seen Cynthia Oulton for over a year by then, I believe -- had no contact with her. The seven-year-old boy remembered Cynthia incessantly beating her son. Dr Deutsch never tried to verify that," B:9.*

67. District Court ignores relevant details re: discriminating teachers, *"THE COURT: I'm just asking about whether or not any*

of the content is directed to you specifically? MS. CONLIN: I didn't -- I started to read them and they were disturbing -- THE COURT: Okay. MS. CONLIN: -- upsetting, so I didn't continue reading them. THE COURT: Ms. Conlin, how did these, receipt of these documents make you feel? MS. CONLIN: Very uncomfortable. Like I said, I did not read them. In this day and age to get emails like that, I don't understand why I'm getting them, and I have 18 small children I'm responsible for." B:16.

#### Conspiracy To Discriminate

68. Family Court covers up the facts, "THE COURT: Just so we're clear, I don't read ex parte communications," and "ATTY. OTIS: So, I just want to point out then, information has gotten to their teachers, to their friends, and to the children. One of the children was called into the guidance office to question -- where that child was questioned about the false allegations that Mr. Kifor has made. I believe -- and you can hear from Ms. Oulton about this -- that she had the police come to her house based on false allegations that Mr. Kifor has made," B:12.

69. Instead of investigating the facts, forceful silencing is chosen, "ATTY. OTIS: He has done nothing but engage in a pattern of threats and terrible conduct that is intended to cause harm to the mothers, and certainly to the children," B:13.

70. Family Court supports spreading xenophobic fear, uncertainty and doubt about "ignorant immigrants," *"MS. OULTON: Separately, we then received a support order that began after he sent me documentation that he was fleeing the country. And I have that email with me if we need to prove again that, yes, he did send me documentation that he's fleeing the country,"* B:14.

71. "Feminism" is the best tool to extort money from ordinary white males by the elite white males in Family Court, *"And I personally talked to Atty. Monroe Inker, who in my opinion was a total psychopath, but he was very successful, and he was making a tremendous amount of money... There is a publication and a Boston Globe article about Monroe Inker and all that,"* B:6.

Mass. G.L.c. 211D § 2 (Indigency) "The committee for public counsel services shall establish a definition of 'indigency' for the purposes of this chapter and uniform standards and procedures for the determination by the courts of the commonwealth that: (1) a person is indigent and is unable to obtain counsel or (2) a person is indigent, but has the ability to pay a reduced fee for the appointment of counsel. The definition and standards, and any amendments thereto, shall be subject to the approval of the supreme judicial court and shall be used by the courts of the commonwealth in determining

assignment of cases to the committee pursuant to section 5. In the formulation of the definition, standards and procedures, the committee shall utilize: (1) the reporting system operated by the commissioner of transitional assistance for the purpose of verifying financial eligibility of participants in state or federally funded programs; (2) the accessibility of income data available from the department of revenue; and (3) verifying material assets through the registry of motor vehicles."

72. Family Court refused to accept repeated sworn requests for indigency for years and kept the rulings secret. After all the other courts had granted indigency, Family Court allowed waiving the costs of useless "digital recordings" on 6/16/2021. During the hearing on 6/23/2021, Family Court deflected the controversy of "banned appeals" to the register of the court, A:xxx. It was revealed only on 7/13/2021 that, *"The affidavit approved by Judge Allen on November 5, 2020 says that 'fees relative to any future transcripts or cassette costs are deferred & denied without prejudice,'"* A:470. Waiving the costs of the now 17 transcripts necessary for the 3 appeals was only allowed on 8/12/2021, without any changes in Father's circumstances, A:476.

Mass. G.L.c. 235 § 34 (Property exempt from execution)

"Fifteenth, \$2,500 in cash or savings or other deposits in a

banking or investment institution, wages equal to the greater of 85 per cent of the debtor's gross wages or 50 times the greater of the federal or the Massachusetts hourly minimum wage for each week or portion thereof and the full amount owing or paid to a person as public assistance."

73. Shameless public bullying, like *"THE COURT: The Court finds you in contempt and is going to commit you for twenty days ... UNIDENTIFIED OFFICER: Excuse me. May I cuff these, sir? ... THE COURT: You can purge yourself in the amount of 1,530,"* A:234, but *"I don't have it,"* A:234, leading to blatant extortion from a third person *"THE COURT: Okay. So I understand that you've made the payment in the amount of 1,530 to purge your sentence" with the never again repeated "I didn't. She did,"* A:235.

Mass. G.L.c. 215 § 9 (Right to appeal) "A person aggrieved by an order, judgment, decree or denial of a probate court made after this chapter takes effect, may, within thirty days after the entry thereof, appeal therefrom to the appeals court or, subject to the provisions of section ten of chapter two hundred and eleven A, to the full court of the supreme judicial court. Said courts shall have like powers and authority with respect thereto as upon an appeal in any civil action."

74. "MS. OULTON: I didn't see anything in what he filed with the other court -- I didn't see anything about parenting time there. THE COURT: Well, I assume it was just a notice of appeal with a -- FATHER: I have it here. THE COURT: I can look it up. Hold on. FATHER: I have it here. THE COURT: When did you file it? FATHER: February 12th [2020]. And I'm going to go back to the Register because this happens so many times; I file something and it never shows up. But I have the emails," B:54.

Mass. G.L.c. 258D (Erroneous Convictions)

"If, under the same circumstances, the child support payment is overdue for longer than 2 years, or the amount exceeds \$10,000, the violation is a criminal felony, and convicted offenders face fines and up to 2 years in prison (See 18 U.S.C. § 228(a)(3))."

<https://www.justice.gov/criminal-ceos/citizens-guide-us-federal-law-child-support-enforcement>.

75. "THE COURT: So, what do you want me to know relative to that?" "FATHER: The number one, and I believe the most important issue: I cannot pay child support. And I have not paid a penny in child support for the last year. And I don't believe that it is in the best interest of the children that they don't receive any child support. And I want to pay. I know that I can pay. **I have the ability, capability, and absolutely want to support my**



**children.** And I actually want to support my children at the proper level. Because that \$70,000 was with all those false accusations. It's not possible to get \$70,000 a year in salary if one has those kind of accusations above his head. Simply, it's not possible. So I did my best and used up all my savings to support my family for the last 7 years." B:28.

76. "THE COURT: So, what you're saying to me, sir, is you believe that there are facts in issue that would require a modification, meaning a reduction in child support? Is that what you're saying?" "FATHER: I never would ask for a reduction of child support. **I want to triple the child support.** THE COURT: So, you're asking that the Court triple the child support -- FATHER: Retroactively for the last seven years," B:29.

#### **Inconsistencies In Docket Records**

Mass. G.L.c. 215 § 37 (Public records) "Each register shall keep a docket of all cases and matters in his court, and shall enter therein every case or matter by its appropriate title and number, brief memoranda of all proceedings had and papers filed therein, the dates of such proceedings or filing of such papers, and references to the places in which the proceedings or papers are recorded, if there is a record thereof. He shall also keep a separate alphabetical index of all such cases and matters which

shall refer both to said docket and to the files of the court, and a separate alphabetical index of all public administrators seeking appointment or appointed to administer any estates, with the names of such estates. Such docket and indexes shall be open to public inspection at all reasonable times."

Further 40 inconsistencies in Family Court docket entries are referenced below from the filed 11/2/2021 affidavits, B:64.

#### Capricious And Inconsistent

- 77. Identical parallel motions yield disparate rulings #1.
- 78. Identical parallel motions yield disparate dismissals #2.
- 79. Identical notices of appeals yield disparate logs #3.
- 80. Motion to reconsider ignored as order is not logged #4.
- 81. Mailed complaint dismissal order missing from logs #31.
- 82. Mailed orders re: banned appeals missing from logs #32.

#### Whimsical And Confusing

- 83. Logged confusion about permission to file after jail #5.
- 84. Notice of appeal re-framed to apply only to prior judge #6.
- 85. Orders destined to be "missing" mailed to old address #33.

#### Arbitrary And Deceiving

- 86. Denied indigency affidavit kept secret to avoid appeal #7.
- 87. Parallel motions mailed together yield conflicting logs #8.
- 88. Clearly defined indigency status endlessly reinterpreted #9.
- 89. Identical notices of appeals are logged to deceive #34.

Manifestly Unreasonable

- 90. Indigency status used to silence and to bully #10.
- 91. Indigency status used to extort legal fees #11.
- 92. "Complaint dismissed" despite documented DOR actions #35.
- 93. Intractable indigency is negotiable and can be narrowed #34.

Prejudiced

- 94. Even the titles of motions are silenced in the logs #12.
- 95. Even requested trial documents are silenced in logs #13.
- 96. "Case dismissed," silencing 13 filings for relief #14.
- 97. "No ripe cause of action" despite 13 filings for relief #37.

Biased

- 98. Forcefully appointed ARC refused effort without pay #15.
- 99. Motions to sanction attorneys repeatedly silenced #16.

100. Silencing of pleadings inconsistent between cases #17.

101. Forced indigency can be attacked but not appealed #38.

Malicious And Child-Predatory

102. Father's motion to increase child support denied #18.

103. Confirmed immediate appeal of fabricated "agreement" #19.

104. Despite indigency, a 4th contempt action is allowed #20.

105. Subornation of perjury on children is allowed again #21.

106. Normalization of children's lives is not a priority #22.

107. Order confirming appeal is logged to deceive from it #39.

No Reasons Given For Denial

108. No reason given for denials of 4 motions on 3/20/2019 #23.

109. No reason given for denials of 6 motions on 5/16/2019 #24.

110. No reason given for denials of 2 motions on 6/17/2019 #25.

111. No reason given for denial of 1 motion on 10/07/2019 #26.

112. No reason given for denial of 1 motion on 10/22/2019 #27.

113. No reason given for denials of 3 motions on 1/27/2020 #28.

114. No reason given for denial of 1 motion on 1/30/2020 #29.

115. No reason given for denial of 1 motion on 8/12/2021 #30.

116. No reason for denial of indigency "on the merits" #40.

#### **STANDARD OF REVIEW**

1. "As long as a plaintiff's purpose is to stop conduct he reasonably believes is illegal, petitioning is genuine both objectively and subjectively." BE K Constr. Co. v. NLRB, 536 U.S. 516, 534 (2002).

2. "The US Supreme Court has recognized the right to petition the government, including the courts, as one of 'the most precious of the liberties safeguarded by the Bill of Rights,'" Sahli v. Bull HN Information Systems, Inc., 437 Mass. 696, 702 (Mass. 2002) quoting *United Mine Workers v. Illinois Bar Ass'n*.

3. "The right to petition is not an absolute right... 'baseless' or 'sham' litigation is not protected by the First Amendment... 'Sham' litigation has been defined in the antitrust context as litigation that is 'objectively baseless in the sense that no reasonable litigant could realistically expect success on the merits,' and in which the litigant's subjective motivation is 'to interfere directly'... through the 'use of the governmental process - as opposed to the outcome of that process - as an

anticompetitive weapon' (emphasis in original)." Sahli, quoting *Professional RE Investors, Inc. v. Columbia Pictures Ind., Inc.*

4. "In the labor context, the [United States Supreme] Court has held that the First Amendment protects 'the filing and prosecution of a well-founded lawsuit [from being] enjoined as an unfair labor practice, even if it would not have been commenced but for the plaintiff's desire to retaliate against the defendant for exercising rights protected by the [National Labor Relations] Act.'" Sahli, quoting *Bill Johnson's Restaurants, Inc. v. National Labor Relations Bd.*

Mass. G.L.c. 12 § 11I

5. "The Massachusetts civil rights law, G.L.c. 12 §§ 11H and 11I, like other civil rights statutes, is remedial. As such, it is entitled to liberal construction of its terms." Batchelder v. Allied Stores Corp., 393 Mass. 819, 822 (Mass. 1985).

6. "The Legislature intended to provide a remedy under G.L.c. 12 § 11I, coextensive with 42 U.S.C. § 1983 (Supp. V 1981), except that the Federal statute requires State action whereas its State counterpart does not." Batchelder.

7. "The interpretation of G.L.c. 12 § 11I, that we adopt today does not result in creating a vast constitutional tort. The

Legislature explicitly limited this remedy to situations where the derogation of secured rights occurs by 'threats, intimidation or coercion.' G.L.c. 12 § 11H." Bell v. Mazza, 394 Mass. 176, 182-83 (Mass. 1985).

Title 42 U.S.C. § 1985

8. "Two or more persons... conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving... any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws." Griffin v. Breckenridge, 403 U.S. 88 (1971).

9. "An allegation of 'some racial, or perhaps otherwise class-based, invidiously discriminatory animus behind conspirators' action' is an essential element of a 42 U.S.C. § 1985(3) claim. Griffin." Bell.

10. "The 'animus' requirement demands at least a purpose that focuses upon women by reason of their sex," Bray v. Alexandria Clinic, 506 U.S. 263 (1993).

11. "'invidious... tending to excite odium, ill will, or envy; likely to give offense; esp., unjustly and irritatingly discriminating.' Webster's International Dictionary." Bray.

12. "'Discriminatory purpose,' we said, 'implies more than intent as volition or intent as awareness of consequences. It implies that the decision maker... selected or reaffirmed a particular course of action at least in part 'because of,' not merely 'in spite of,' its adverse effects upon an identifiable group.' *Personnel Administrator of Mass. v. Feeney*. The same principle applies to the 'class-based, invidiously discriminatory animus' requirement of § 1985(3)." Bray.

13. "The statute does not apply to private conspiracies that are 'aimed at a right that is by definition a right only against state interference,' but applies only to such conspiracies as are 'aimed at interfering with rights... protected against private, as well as official, encroachment.' *Carpenters*." Bray.

14. "All legislative classifications, whether or not they can be having 'some racial or perhaps otherwise class-based invidiously discriminatory animus,' are subject to review under the Equal Protection Clause, which contains no reference to race." Bray.

#### Questioned Sovereign Immunity

US Constitution - Eleventh Amendment "The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United



States by Citizens of another State, or by Citizens or Subjects of any Foreign State."

15. This doctrine is built on a double fiction: for purposes of a "sovereign's" immunity, a suit against an official is not a suit against the government, but for the purpose of finding a state action to which the Constitution applies, the official's conduct is of the state, Ex Parte Young, 209 U.S. 123 (1908).

16. "The theory of the case was that an unconstitutional enactment is 'void' and therefore does not 'impart to [the officer] any immunity from responsibility to the supreme authority of the United States.' *Id.* Since the State could not authorize the action, the officer was 'stripped of his official or representative character and [was] subjected in his person to the consequences of his individual conduct' *Ibid.*" Pennhurst State School Hosp. v. Halderman, 465 U.S. 89, 102 (1984).

17. "The Eleventh Amendment does not in some circumstances bar an action for damages against a state official charged with depriving a person of a federal right under color of state law, and the District Court acted prematurely and hence erroneously in dismissing the complaints as it did without affording petitioners any opportunity by subsequent proof to establish their claims." Scheuer v. Rhodes, 416 U.S. 232 (1974).

18. "Applying the 'totality of the circumstances' test of *Scheuer*, the District Court held that 'if an official violates his agency's explicit regulations, which have the force of state law, [that] is evidence that his conduct is unreasonable.'" Davis v. Scherer, 468 U.S. 183, 188 (1984).

#### Tort Actions Against State Officials

19. "If a § 1983 action alleging a constitutional claim is brought directly against a State, the Eleventh Amendment bars a federal court from granting any relief on the claim." Pennhurst.

20. "The Eleventh Amendment to the United States Constitution bars State law claims against State officials in Federal court." Lopez v. Commonwealth, 463 Mass. 696 (Mass. 2012), (Lopez).

21. "The various authorities we have referred to furnish ample justification for the assertion that individuals, who, as officers of the State, are clothed with some duty in regard to the enforcement of the laws of the State, and who threaten and are about to commence proceedings, either of a civil or criminal nature, to enforce against parties affected an unconstitutional act, violating the Constitution, may be enjoined by a Federal court of equity from such action." Ex Parte Young.

22. "Though a § 1983 action may be instituted, a federal court's remedial power, consistent with the Eleventh Amendment, is necessarily limited to prospective injunctive relief, *Ex parte Young*, and may not include a retroactive award which requires the payment of funds from the state treasury." Edelman v. Jordan, 415 U.S. 651, 677 (1974).

23. "That a claim that state officials violated state law in carrying out their official responsibilities is a claim against the State that is protected by the Eleventh Amendment applies as well to state-law claims brought into federal court under pendent jurisdiction." Pennhurst.

24. "It may be that applying the Eleventh Amendment to pendent claims results in federal claims being brought in state court, or in bifurcation of claims. That is not uncommon in this area. Under *Edelman* a suit against state officials for retroactive monetary relief, whether based on federal or state law, must be brought in state court." Pennhurst.

25. "It is difficult to think of a greater intrusion on state sovereignty than when a federal court instructs state officials on how to conform their conduct to state law. Such a result conflicts directly with the principles of federalism that underlie the Eleventh Amendment. We conclude that *Young* and

*Edelman* are inapplicable in a suit against state officials on the basis of state law." Pennhurst.

26. "As made clear in *Fitzpatrick*, Congress has plenary power to set aside the States' immunity from retroactive relief in order to enforce the Fourteenth Amendment. When it passed the Act, Congress undoubtedly intended to exercise that power and to authorize fee awards payable by the States when their officials are sued in their official capacities. The Act itself could not be broader. It applies to 'any' action brought to enforce certain civil rights laws. It contains no hint of an exception for States defending injunction actions; the Act primarily applies to laws passed specifically to restrain state action. 42 U.S.C. § 1983." Hutto v. Finney, 437 U.S. 678, 693-94 (1978).

27. "The award served the same purpose as a remedial fine imposed for civil contempt, and vindicated the court's authority over a recalcitrant litigant. There being no reason to distinguish the award from any other penalty imposed to enforce a prospective injunction, the Eleventh Amendment's substantive protections do not prevent the award against the Department's officers in their official capacities, and the fact that the order directed the award to be paid out of Department funds

rather than being assessed against petitioners in their official capacities, does not constitute reversible error." Hutto.

28. "But when the State has placed specific limitations on the manner in which state officials may perform their duties, as it often does in regulatory or other administrative contexts, the ultra vires inquiry also involves the question whether the officials acted in a way that state law forbids. No sovereign would authorize its officials to violate its own law, and if the official does so, then *Larson*[, *Malone v. Bowdoin*, 369 U.S. 643 (1962)] indicates that his conduct is ultra vires and not protected by sovereign immunity." Pennhurst.

29. "Whether an official may prevail in his qualified immunity defense depends upon the 'objective reasonableness of [his] conduct as measured by reference to clearly established law.' [*Harlow v. Fitzgerald*, 457 U.S.]. No other 'circumstances' are relevant to the issue of qualified immunity." Davis.

30. "A plaintiff who seeks damages for violation of constitutional or statutory rights may overcome the defendant's qualified immunity only by showing that those rights were established at the time of the conduct at issue." Davis.

31. "The immunity of officers of the executive branch of a state government for their acts is not absolute but qualified and of

varying degree, depending upon the scope of discretion and responsibilities of the office and the circumstances existing at the time the challenged action was taken." Scheuer.

32. "§ 1983 would be drained of meaning were we to hold that the acts of a governor or other high executive officer have 'the quality of a supreme and unchangeable edict, overriding all conflicting rights of property and un-reviewable through the judicial power of the Federal Government.' *Sterling v. Constantin*." Scheuer.

#### Threatened Judicial Proceedings

33. "The mere possibility of erroneous initial application of constitutional standards by a state court will not ordinarily constitute irreparable injury warranting federal interference with a good-faith prosecution and the adjudication during its course." Dombrowski v. Pfister, 380 U.S. 479 (1965).

34. "The threats to enforce the statutes against appellants are not made with any expectation of securing valid convictions, but rather are part of a plan to employ arrests, seizures, and threats of prosecution under color of the statutes to harass appellants and discourage them and their supporters from asserting and attempting to vindicate the constitutional rights." Dombrowski.

35. "[Allegations] suggest that a substantial loss or impairment of freedoms of expression will occur if appellants must await the state court's disposition and ultimate review in this Court of any adverse determination. These allegations, if true, clearly show irreparable injury." Dombrowski.

36. "A party is precluded from relitigating an issue where '(1) there was a final judgment on the merits in prior adjudication; (2) the party against whom preclusion is asserted was a party (or in privity with a party) to the prior adjudication; and (3) the issue in the prior adjudication was identical to the issue in the current adjudication,' was essential to the earlier judgment, and was actually litigated in the prior action. *Kobrin*, quoting *Tuper v. North Adams Ambulance Serv., Inc.*" DeGiacomo v. City of Quincy, 476 Mass. 38, 42 (Mass. 2016).

37. "Question of privity 'depends on the nature of plaintiffs' interest, whether that interest was represented in [the prior litigation], and whether there are special circumstances or due process considerations which make it unfair to bind the plaintiffs to that judgment.' *Morganelli v. Building Inspector of Canton*." DeGiacomo v. City of Quincy.

38. "We think the Due Process Clause mandates a similar result here. The State's interest in caring for children is de

*minimis* if is shown to be a fit father. It insists on presuming rather than proving Stanley's unfitness solely because it is more convenient to presume than to prove. Under the Due Process Clause that advantage is insufficient to justify refusing a father a hearing when the issue at stake is the dismemberment of his family." Stanley v. Illinois, 405 U.S. 645, 657-58 (1972).

39. "We require that a civil contempt finding be supported by clear and convincing evidence of disobedience of a clear and unequivocal command." In re Birchall, 454 Mass. 837, 838-39 (Mass. 2009).

40. "In order to be clear and convincing, the 'evidence must be sufficient to convey a high degree of probability that the proposition is true... The requisite proof must be strong and positive; it must be full, clear and decisive." Adoption of Rhona." Adoption of Zoltan, 71 Mass. App. Ct. 185 (Mass. 2008).

Title 28 U.S.C. § 2283 (also the Anti-Injunction Act) "A court of the United States may not grant an injunction to stay proceedings in a State court except as expressly authorized by Act of Congress, or where necessary in aid of its jurisdiction, or to protect or effectuate its judgments."

41. "Title 42 U.S.C. § 1983, which authorizes a suit in equity to redress the deprivation under color of state law 'of any



rights, privileges, or immunities secured by the Constitution,' is within that exception of the federal anti-injunction statute, 28 U.S.C. § 2283, that provides that a federal court may not enjoin state court proceedings 'except as expressly authorized by Act of Congress.'" Mitchum v. Foster, 407 U.S. 225 (1972).

#### Damages Against State Governments

42. "In *Ex parte Young* the Court held that, although prohibited from giving orders directly to a State, federal courts could enjoin state officials in their official capacities. And in *Edelman* when the Court held that the Amendment grants the States an immunity from retroactive monetary relief, it reaffirmed the principle that state officers are not immune from prospective injunctive relief. Aware that the difference between retroactive and prospective relief 'will not in many instances be that between day and night,' *Id.*, at 667, the Court emphasized in *Edelman* that the distinction did not immunize the States from their obligation to obey costly federal-court orders. The cost of compliance is 'ancillary' to the prospective order enforcing federal law. *Id.*, at 668. The line between retroactive and prospective relief cannot be so rigid that it defeats the effective enforcement of prospective relief." Hutto.

43. "[A] judgment of a state court, even if it be authorized by statute, whereby private property is taken for the State or under its direction for public use, without compensation made or secured to the owner, is, upon principle and authority, wanting in the due process of law required by the Fourteenth Amendment of the Constitution of the United States, and the affirmance of such judgment by the highest court of the State is a denial by that State of a right secured to the owner by that instrument." Chicago, Burlington c. R'D v. Chicago, 166 U.S. 226, 241 (1897).

44. "For purposes of the Fifth Amendment, '[property interests] are created and ... defined by existing rules or understandings that stem from an independent source such as state law.'" Ruckelshaus v. Monsanto Co., 467 U.S. 986, 1001, (1984).

45. "Government hardly could go on if to some extent values incident to property could not be diminished without paying for every such change in the general law... some values are enjoyed under an implied limitation and must yield to the police power. But obviously the implied limitation must have its limits, or the contract and due process clauses are gone. One fact for consideration in determining such limits is the extent of the diminution. When it reaches a certain magnitude, there must be

an exercise of eminent domain and compensation to sustain the act." Penna. Coal Co. v. Mahon, 260 U.S. 393, 413 (1922).

46. "The general rule at least is, that while property may be regulated to a certain extent, if regulation goes too far it will be recognized as a taking." Penna. Coal Co.

47. "Appellant asks us to hold that [Court] erred in determining that the Fifth Amendment, as applicable to the States through the Fourteenth Amendment, does not require compensation as a remedy for 'temporary' regulatory takings – those regulatory takings which are ultimately invalidated by the courts." First Lutheran Church v. Los Angeles County, 482 U.S. 304, 310 (1987).

48. "This basic understanding of the Amendment makes clear that it is designed not to limit the governmental interference with property rights *per se*, but rather to secure compensation in the event of otherwise proper interference amounting to a taking. Thus, government action that works a taking of property rights necessarily implicates the 'constitutional obligation to pay just compensation.'" First Lutheran Church.

49. "One seeking compensation must 'seek compensation through the procedures the State has provided for doing so' before the claim is ripe for review. *Williamson County Regional Planning Comm'n v. Hamilton Bank*." First Lutheran Church.

50. "Here we must assume that the ordinance has denied appellant all use of its property for a period of years, and we hold that invalidation of the ordinance without payment of fair value for the use of the property during this period of time would be a constitutionally insufficient remedy." First Lutheran Church.

#### Intellectual Property & The Takings Clause

51. "It is conceivable that [the term 'property' in the Taking Clause] was used in its vulgar and untechnical sense of the physical thing with respect to which the citizen exercises rights recognized by law. On the other hand, it may have been employed in a more accurate sense to denote the group of rights inhering in the citizen's relation to the physical thing, as the right to possess, use and dispose of it. In point of fact, the construction given the phrase has been the latter." United States v. General Motors Corp., 323 U.S. 373, 377-378 (1945).

52. "The 'private property' upon which the Clause traditionally has focused is a specific interest in physical or intellectual property." Eastern Enterprises v. Apfel, 524 U.S. 498 (1998).

53. "Although this Court never has squarely addressed the question whether a person can have a property interest in a trade secret, which is admittedly intangible, the Court has

found other kinds of intangible interests to be property for purposes of the Taking Clause." Ruckelshaus.

54. "This general perception of trade secrets as property is consonant with a notion of 'property' that extends beyond land and tangible goods and includes the products of an individual's 'labour and invention.'" Ruckelshaus.

55. "Once a copyright holder establishes with reasonable probability the existence of a causal connection between the infringement and a loss of revenue, the burden properly shifts to the infringer to show that this damage would have occurred had there been no taking of copyrighted expression." Harper Row Publishers, Inc. v. Nation Enters, 471 U.S. 539, 567 (1985).

56. "By establishing a marketable right to the use of one's expression, copyright supplies the economic incentive to create and disseminate ideas." Harper Row Publishers, Inc.

Title 42 U.S.C § 2000e (also Title VII)

57. "Title VII of the 1964 Civil Rights Act provides us with a clear mandate from Congress that no longer will the US tolerate this form of discrimination. It is, therefore, the duty of the courts to make sure that the Act works, and the intent of Congress is not hampered by a combination of a strict

construction of the statute in a battle with semantics." Parr v. Woodmen of the World Life Ins. Co., 791 F.2d (11th Cir.1986).

58. "In the 1972 Amendments to Title VII of the Civil Rights Act of 1964, Congress authorized federal courts to award money damages in favor of a private individual against a state government found to have subjected that person to employment discrimination on the basis of 'race, color, religion, sex, or national origin.'" Fitzpatrick v. Bitzer, 427 U.S. 445 (1976).

59. "The Eleventh Amendment does not bar a backpay award to petitioners, since [it] and the principle of state sovereignty that it embodies are limited by the enforcement provisions of § 5 of the Fourteenth Amendment, which grants Congress authority to enforce 'by appropriate legislation' the substantive provisions of the Fourteenth Amendment." Fitzpatrick.

60. "Congress' exercise of power in allowing reasonable attorneys' fees is similarly not barred by the Eleventh Amendment." Fitzpatrick.

#### Statutory Discrimination

61. "To 'discriminate against' a person would seem to mean treating that individual worse than others who are similarly situated. In 'disparate treatment' cases this Court has also

held that the difference in treatment based on sex must be intentional." Bostock v. Clayton County, 140 S. Ct. 1731 (2020).

62. "Title VII of the Civil Rights Act of 1964 makes it an unlawful employment practice for an employer to engage in certain enumerated forms of discrimination on the basis, inter alia, of sex." Sibley Memorial Hospital v. Wilson, 488 F.2d 1338, 1340 (D.C. Cir. 1973).

63. "The Supreme Court has said that the Congressional objective in Title VII is 'plain from the language of the statute,' and that it is 'to achieve equality of employment opportunities.' *Griggs v. Duke Power Co.* In prohibiting discrimination in employment on the basis of sex, 'one of Congress' main goals was to provide equal access to the job market for both men and women.' *Diaz v. Pan Am World Airways, Inc.*" Sibley.

64. "When it comes to Title VII, the adoption of the traditional but-for causation standard means a defendant cannot avoid liability just by citing some other factor that contributed to its challenged employment decision. So long as the plaintiff's sex was one but-for cause of that decision, that is enough to trigger the law." Bostock.

65. "If the employer intentionally relies in part on an individual employee's sex when deciding to discharge the

employee – put differently, if changing the employee's sex would have yielded a different choice by the employer – a statutory violation has occurred.” Bostock.

66. “It is impossible to discriminate against a person for being homosexual or transgender without discriminating against that individual based on sex.” Bostock.

67. “An employer who fires an individual for being homosexual or transgender fires that person for traits or actions it would not have questioned in members of a different sex. Sex plays a necessary and undisguisable role in the decision, exactly what Title VII forbids.” Bostock.

68. “Statutory prohibitions often go beyond the principal evil to cover reasonably comparable evils, and it is ultimately the provisions of our laws rather than the principal concerns of our legislators by which we are governed. Title VII prohibits ‘discriminat[ion]... because of... sex’ in the ‘terms’ or ‘conditions’ of employment. Our holding that this includes sexual harassment must extend to sexual harassment of any kind that meets the statutory requirements.” Oncale v. Sundowner Offshore Servs., Inc., 523 U.S. 75, 79-80 (1998).

69. “The underlying dispute in this case began with a racist comment, apparently on a misplaced telephone call ... and we



transferred the matter to this court on our own motion.” Town of Brookline v. Alston, 487 Mass. 278, 279 (Mass. 2021).

Mass. G.L.c. 151B § 4

70. “The Legislature determined that workplace discrimination harmed not only the targeted individuals but the entire social fabric.” Flagg v. AliMed, Inc., 466 Mass. 23, 29 (Mass. 2013).

71. “Where applicable, G.L.c. 151B provides the exclusive remedy for employment discrimination not based on preexisting tort law or constitutional protections.” Charland v. Muzi Motors, Inc., 417 Mass. 580, 586 (Mass. 1994).

72. “Chapter 151B specifically prohibits a broad range of discrimination in employment on the grounds of race, sex, sexual orientation, gender identity, national origin, disability, or religion. See G.L.c. 151B § 4. It ‘creates an administrative procedure for the enforcement of anti-discrimination statutes of the Commonwealth.’” Town of Brookline, quoting *Charland*.

73. “In addition to the ‘individual and distinct wrong’ that the defendant must be alleged to have committed, the complaint must allege the commission of an underlying act of discrimination under G.L.c. 151B (the ‘main claim’) by the principal offender. See *Russell v. Cooley Dickinson Hosp., Inc.*” Lopez.

74. "G.L.c. 151B § 4, like Title VII, 'proscribes not only overt discrimination but also practices that are fair in form, but discriminatory in operation.'" Lopez, quoting *School Comm. of Braintree v. Mass. Comm'n Against Discr.*, (MCAD).

75. "A discrimination action under G.L.c. 151B is, however, a statutorily created right, not a common-law tort." Thomas O'Connor Constructors, Inc. v. MCAD, 72 Mass. App. Ct. 549, 557 (Mass. App. Ct. 2008).

76. "There is no doubt that the antidiscrimination statute, G.L.c. 151B, waives the sovereign immunity of the 'Commonwealth and all political subdivisions... thereof' by including them in the statutory definition of persons and employers subject to the statute. G.L.c. 151B § 1(1) and (5). Moreover, the statute specifically provides for the award of 'actual and punitive damages.' *G.L.c. 151B § 9.*" Bain v. City of Springfield, 424 Mass. 758, 763 (Mass. 1997).

77. "G.L.c. 151B § 9, permits 'any person claiming to be aggrieved by a practice made unlawful under this chapter' to bring a civil action for damages or injunctive relief. Section 4 then delineates various practices—including alleged practices that form the bases of the plaintiffs' claims — that, when undertaken by 'person[s]' or 'employer[s],' are 'unlawful.'

Section 1(1) and (5) of G.L.c. 151B, respectively, define 'person' and 'employer' to include 'the Commonwealth and all political subdivisions,' including boards, departments, and commissions." Lopez.

78. "The Commonwealth has consented to suit under § 4(4A) and (5) by including the Commonwealth and its instrumentalities in the statutory definition of 'person, and under § 4(1) by including the Commonwealth and its instrumentalities in the statutory definition of 'employer.' See G.L.c. 151B §§ 1,9 ... Consequently, we conclude that the Commonwealth – and the division, as an instrumentality of the Commonwealth – has consented to suit under G.L.c. 151B." Lopez.

79. "Significantly, c. 151B expressly gives standing to seek relief to 'any person claiming to be aggrieved' by practices made unlawful by the statute. G.L.c. 151B § 5. This section, using the same language as a cognate provision in Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., offers strong support for the conclusion that c. 151B's protections against workplace discrimination were intended to cover all those adversely affected, whether or not they are the direct target of the proscribed discriminatory animus." Flagg.

80. "It is significant that analogous Federal antidiscrimination statutes, Title VII, have been interpreted to reach and cover claims of associational discrimination despite a lack of a specific reference in the statutory language. See *Wheatley v. American Tel. & Tel. Co.* ('It is our practice to apply Federal case law construing the Federal anti-discrimination statutes in interpreting G.L.c. 151B')." Flagg.

#### Steps To Prove Discrimination

81. "A plaintiff must produce evidence from which a reasonable jury may infer 'four elements: membership in a protected class, harm, discriminatory animus, and causation.' *Lipchitz*." Verdrager v. Mintz, 474 Mass. 382, 396 (Mass. 2016).

82. "The plaintiff must prove by a preponderance of the credible evidence that the defendant's discriminatory animus contributed significantly to that action, that it was a material and important ingredient in causing it to happen." Lipchitz v. Raytheon Co., 434 Mass. 493, 506 n.19 (Mass. 2001).

83. "A fact is material if it 'might affect the outcome of the suit under the governing law.' *Anderson v. Liberty Lobby, Inc.*... A genuine issue of material fact exists where the evidence with respect to the fact in dispute 'is such that a reasonable jury

could return a verdict for the nonmoving party.' *Id.*" Canfield v. Con-Way Freight, Inc., 578 F.Supp.2d (D. Mass. 2008).

84. "In an abuse of process claim, in contrast to a claim for malicious prosecution, such a motive does not alone suffice to show ulterior purpose. Rather, the ulterior purpose must be to gain some collateral advantage... An ulterior purpose is not simply the intent to harm the other party directly by bringing suit, but rather the intent to gain some other end indirectly." Psy-Ed Corp. v. Klein, 459 Mass. 697, 713-14 (Mass. 2011).

85. "In applying [the] antidiscrimination statute, it has been our practice to follow the three-stage order of proof set forth by the [US] Supreme Court under the Federal antidiscrimination provisions of Title VII." Blare v. Husky Injection Molding Systems Boston, Inc., 419 Mass. 437, 440 (Mass. 1995).

86. "To prevail at trial, an employee bringing a claim under G.L.c. 151B § 4 must demonstrate (1) that he is a member of a protected class; (2) that he was subject to an adverse employment action; (3) that the employer bore 'discriminatory animus' in taking that action; and (4) that the animus was the reason for the action (causation)." Nealis v. Molecular Health, Inc., 99 Mass. App. Ct. 1123 (Mass. App. Ct. 2021)

87. "In the first stage, the plaintiff has the burden to show by a preponderance of the evidence a prima facie case of discrimination ... with evidence that: (1) he is a member of a class protected by G.L.c. 151B; (2) he performed his job at an acceptable level; (3) he was [rejected]; and (4) his employer sought to fill the plaintiff's position by hiring another individual with qualifications similar to the plaintiff's ... the elements of the plaintiff's initial burden may vary depending on the specific facts of a case." Blare.

88. "To establish a prima facie case of gender discrimination in an employment context, the plaintiffs [female police officers] must of course show that they are members of the protected class, which they plainly have done." King v. City of Boston, 71 Mass. App. Ct. 460, 467 (Mass. App. Ct. 2008).

89. "The plaintiff's initial burden of establishing a prima facie case is not intended to be onerous" Sullivan v. Liberty Mutual Insurance Company, 444 Mass. 34, 45 (Mass. 2005).

90. "There must be a showing that the challenged action 'occurred in circumstances that raise an inference of unlawful discrimination.' Sullivan." King.

91. "Cases have employed the phrase 'adverse employment action' to refer to the effects on working terms, conditions, or

privileges that are material, and thus governed by the statute, as opposed to those effects that are trivial and so not properly the subject of a discrimination action... Federal decisions emphasize that a successful claim of employment discrimination requires a showing that the plaintiff has been subjected to some adverse action that is material." King.

92. "Adverse employment action 'is one which is more disruptive than a mere inconvenience...' *Terry v. Ashcroft*." King.

93. "We have concluded that the evidence permits a finding that an adverse action affecting the 'terms, conditions or privileges of employment,' G.L.c. 151B § 4(1), took place." King.

94. "In the second stage, the [defendant] can rebut the presumption created by the prima facie case by articulating a legitimate, nondiscriminatory reason for ... decision. If [he] fails to meet its burden, however, then the presumption created by the preponderance of evidence supporting a prima facie case entitles plaintiff to judgment." Blare.

95. "The burden of proof of unlawful discrimination rests at all times with the complainant. He may meet that burden by establishing an unanswered prima facie case of discrimination. He may also meet that burden by proving by a preponderance of the evidence that the respondent's facially proper reasons given

for its action against him were not the real reasons for that action." Wheelock College v. MCAD, 371 Mass. 130 (Mass. 1976).

96. "Combined with establishment of a prima facie case by a preponderance of the evidence, a showing of pretext eliminates any legitimate explanation for the adverse hiring decision and warrants a determination that the plaintiff was the victim of unlawful discrimination. The plaintiff need not conclusively exclude all other possible explanations for the decision and prove intent beyond a reasonable doubt." Blare.

97. "Evidence that the [defendant's] reasons are untrue gives rise, therefore, to an inference that the plaintiff was a victim of unlawful discrimination. That inference, together with the elements described in stage one, establishes a prima facie case sufficient to withstand a motion for directed verdict." Abramian v. Pres. Fellows of Harvard, 432 Mass. 107, 118 (Mass. 2000).

#### Implied Coerced Labor Context

98. "The extent of the employer's right to control the 'means and manner' of the worker's performance is the most important factor to review here, as it is at common law... If an employer has the right to control and direct the work of an individual, not only as to the result to be achieved, but also as to the details by which that result is achieved, an employer/employee



relationship is likely to exist." Moland v. Bil-Mar Foods, 994 F.Supp.1061, 1069-70 (N.D. Iowa 1998).

99. "Employer's right to control 'means and manner' of worker's performance is most important factor to consider." Thomas.

100. "In a line of cases descending from *Sibley*, a number of courts have held that Title VII may apply even in the absence of a direct employment relationship between the plaintiff and defendant when a defendant interferes in a plaintiff's employment opportunities with a third party where the defendant controls access to those opportunities." Moland.

101. "The court held that, although the defendant was not the plaintiff's 'actual [or] potential direct employer,' the complaint alleged sufficient facts to state a claim against one 'who control[s] access to employment and who denies access by reference to invidious criteria.' *Sibley*." Lopez.

102. "Other circuit courts of the United States Court of Appeals have held similarly that a plaintiff bringing a claim under Title VII need not be in a direct employer-employee relationship with the defendant, so long as the defendant is an employer that 'interferes with an individual's employment opportunities with another employer.' *Association of Mexican-Am. Educators v. State*, quoting *Gomez v. Alexian Bros. Hosp.*" Lopez.

103. "In *Camacho v. P.R. Ports Auth.*, we applied this analysis and looked to the actual circumstances, not the labels invoked, to determine when an entity was an 'employer' under Title VII and related statutes. *Camacho* phrased the question as whether the defendant 'so extensively controls an aggrieved party's employment relationship as to become that party's de facto employer.' *Id.*" *Lopez v. Mass.*, 588 F.3d 69, 86 (1st Cir. 2009).

104. "The elements of economic duress are as follows: '(1) that one side involuntarily accepted the terms of another; (2) that circumstances permitted no other alternative; and (3) that said circumstances were the result of coercive acts of the opposite party'. *Cabot Corp. v. AVX Corp.*" *McHugh v. Commonwealth*, 97 Mass. App. Ct. 1104 (Mass. App. Ct. 2020).

105. "Rather, the complaint describes a concerted and extended effort to coerce Pineau to pay, 'or else' - complete with thinly veiled threats such as that Pineau 'doesn't know who she is dealing with.' The complaint thus adequately describes extortion - coercion by improper means designed to reap an economic reward." *Haverhill Stem LLC v. Jennings*, 20-P-537 (Mass.App.Ct.)

106. "Finally, G.L.c. 151 § 1, prohibits oppressive and unreasonable wages, which G.L.c. 151 § 2, defines as wages that are 'both less than the fair and reasonable value of the service

rendered and less than sufficient to meet the minimum cost of living necessary for health.'" McHugh.

107. "Fundamental purpose of civil service law is 'to ensure decision-making in accordance with basic merit principles.' 'Basic merit principles' include 'assuring fair treatment of all applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, age, national origin, sex, marital status, handicap, or religion and with proper regard for privacy, basic rights outlined in [G.L.c. 31] and constitutional rights as citizens.' G.L.c. 31 § 1." Town of Brookline.

108. "Because 'Massachusetts is a pretext only jurisdiction,' *Blare*, an employee may survive summary judgment by producing evidence 'that the respondent's facially proper reasons given for its action against him were not the real reasons for that action,' *Wheelock*, even if that evidence does not show directly that the true reasons were, in fact, discriminatory." Verdrager.

109. "'The decision makers relied on the recommendations of supervisors, the motives of the supervisors should be treated as the motives for the decision... An employer [may not] insulate its decision by interposing an intermediate level of persons in the hierarchy of decision, and asserting that the ultimate

decision makers acted only on recommendation'. *Trustees of Forbes Library v. Labor Relations Comm'n.*" Bulwer v. Mount Auburn Hosp., 46 N.E.3d 24, 38 (Mass. 2016).

110. "An employer may 'be exposed to ... liability for harms stemming from discriminatory evaluations [even] some years after ... if the evaluations first cause tangible harm to the employee at that later point.' *Thomas v. Eastman Kodak Co.*" Verdrager.

111. "When the claimant is not part of the employment unit, no chain of command considerations restrict his ability to notify those with the ability to rectify the problem... Likewise, the claimant is free to provide notice of the discrimination to those in the corporate hierarchy of the perpetrator's employer and seek protection from them." Thomas.

112. "'An employer who passively tolerates the creation of a hostile working environment implicitly ratifies the perpetrator's misconduct and thereby encourages the perpetrator to persist in such misconduct, whatever the employer's precise legal relationship to the perpetrator.' *Modern Continental*... 'Employer that fails to take remedial action after notification of harassment is liable therefor.' *College-Town*." Thomas.

#### Stereotypical Abuse & Sexual Harassment

113. "Harassment is defined by statute to include 'verbal or physical conduct of a sexual nature when such conduct has the purpose/effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.'" Salvi v. Suffolk County, 67 Mass. App. Ct. 596 (Mass. App. Ct. 2006).

114. "Where the order is ambiguous or the disobedience is doubtful, there cannot be a finding of contempt. *United States Time Corp. v. G.E.M. of Boston, Inc.*" Judge Rotenberg Educ. v. Comm. of the Dep. of M. R., 424 Mass. 430, 443 (Mass. 1997).

115. "A term is ambiguous only if it is susceptible of more than one meaning and reasonably intelligent persons would differ as to which meaning is the proper one." *Citation Ins. Co. v. Gomez.*" Bercume v. Bercume, 428 Mass. 635, 641 (Mass. 1999).

116. "In the end, '[a] final decree should be as definite and certain as the circumstances allow in order that a defendant may know what conduct is prohibited and not be subjected to contempt proceedings that might possibly arise out of any ambiguity in the decree.' *Building Commr. of Medford v. C. H. Co.*" Sax v. Sax, 53 Mass. App. Ct. 765, 773 (Mass. App. Ct. 2002).

117. "Ambiguities are regularly resolved in favor of the alleged contemnor and cannot be removed by examining the evidence

underlying the judgment in which the ambiguous language is found. *Inspector of Bldgs. of Provincetown v. Eder.*" Sax v. Sax.

118. "The discrimination prohibited by G.L.c. 151B § 4(1), encompasses work environment pervaded by abuse and harassment." *College-Town.*" Town of Brookline.

119. "A hostile work environment is one that is 'pervaded by harassment or abuse, with the resulting intimidation, humiliation, and stigmatization...'" *Cuddyer v. Stop Shop Supermarket Co.*, quoting from *College-Town.*" Salvi.

120. "'When the workplace is permeated with discriminatory intimidation, ridicule, and insult that is sufficiently severe or pervasive to alter the conditions of the victim's employment and create an abusive working environment, Title VII is violated.'" *Harris v. Forklift Systems, Inc.*" Oncale.

121. "Remarks intimidated, humiliated, and stigmatized Aldridge and other workers of his race in such a way as to pose a 'formidable barrier to the full participation of an individual in the workplace.'" *College-Town.*" Thomas.

122. "The objective severity of harassment should be judged from the perspective of a reasonable person in the plaintiff's position, considering all the circumstances." Oncale.

123. "Such evidence was sufficient to support the determination that Aldridge suffered emotional distress and was compelled to curtail his life's activities as a result of the unlawful discrimination." Thomas.

124. "'While evidence of a discriminatory atmosphere may not be conclusive proof of discrimination against an individual plaintiff, such evidence does tend to add 'color' to the employer's decision making processes and to the influences behind the actions taken with respect to the individual plaintiff.'" *Conway v. Electro Switch Corp.*" Bulwer.

125. "To prove a hostile work environment claim, 'the plaintiff [must] demonstrate that [he] worked in a sexually hostile environment that unreasonably interfered with [his] work performance. To sustain that burden, [the plaintiff must] establish that the conduct alleged was sufficiently severe and pervasive to interfere with a reasonable person's work performance.'" *Muzzy v. Cahillane Motors.*" Salvi.

126. "They could be understood to reflect a stereotypical view of women as not committed to their work because of family responsibilities. *Massachusetts Elec. Co. v. MCAD*, (noting 'stereotype that women belong at home raising a family rather than at a job as members of the work force')." Verdrager.

127. "I concur because the Court stresses that in every sexual harassment case, the plaintiff must plead and ultimately prove Title VII's statutory requirement that there be discrimination 'because of ... sex.'" Oncale.

128. "Just as a lawsuit is objectively baseless where 'no reasonable litigant could realistically expect success on the merits,' *Psy-Ed Corp.*, quoting *Sahli*, an act of levying is objectively baseless where the creditor could not realistically expect it to be successful in collecting on a judgment." Slive & Hanna, Inc. v. MCAD, 20-P-290 (Mass. App. Ct. 2021).

129. "In order to state a claim of defamation, a plaintiff must allege facts indicating that (1) the defendant published a false statement regarding the plaintiff – the defendant communicated the statement concerning the plaintiff to a third party; (2) the statement could damage the plaintiff's reputation in the community; and (3) the statement caused economic loss or is actionable without proof of economic loss." Flagg.

130. "We have construed G.L.c. 151B as containing four elements an employee must prove to prevail on a claim of discrimination: membership in protected class, harm, discriminatory animus, and causation... where the claim is one of discrimination because of sex and age, the first two elements are seldom disputed...



Indeed it is likely that in a reduction in force case every plaintiff claiming sex or age discrimination can easily satisfy the first three elements of the prima facie case." Sullivan.

Discrimination-Induced Handicap

131. "A qualified handicapped person is a 'handicapped person who is capable of performing the essential functions of a particular job, or who would be capable of performing the essential functions of a particular job with reasonable accommodation to his handicap.' G.L.c. 151B § 1(16)." Canfield.

132. "Section 4(16) provides in pertinent part that it shall be an unlawful practice, '[f]or any employer, personally or through an agent, to dismiss from employment or refuse to hire, rehire or advance in employment or otherwise discriminate against, *because of his handicap, any person alleging to be a qualified handicapped person, capable of performing the essential functions of the position involved with reasonable accommodation, unless the employer can demonstrate that the accommodation required to be made to the physical or mental limitations of the person would impose an undue hardship to the employer's business*' (emphasis added)." Flagg.

133. "Although a statute's words are of prime importance in a court's effort to discern legislative intent, see, e.g., *Lowery*

v. *Klemm*, the words must be evaluated in the context of the overarching purpose of the statute itself." Flagg.

134. "The Legislature gave the commission comprehensive agency powers to effectuate the statute's aims, and expressly directed that c. 151B 'be construed liberally for the accomplishment of its purposes.' G.L.c. 151B § 9." Flagg.

135. "The Mass. Supreme Judicial Court has held that plaintiff's failure to request an accommodation is fatal to a claim that the employer failed to engage in an interactive process." Canfield.

136. "Employee is thereby subjected to 'prejudice, stereotypes, or unfounded fear' relating to handicapped individuals that c. 151B § 4(16) seeks to protect against." Flagg.

137. "The key term in § 4(16) is 'handicap.' It is defined in relevant part to mean '(a) a physical or mental impairment which substantially limits one or more major life activities of a person; (b) a record of having such impairment; or (c) *being regarded as having such impairment*.' G.L.c. 151B § 1(17)" Flagg.

138. "The third prong of the definition 'protects those persons who, whether actually impaired or not, may be the victims of stereotypic assumptions, myths, and fears regarding such limitations.' *Dahill*." Flagg.

139. "An indigent parent facing the possible loss of a child cannot be said to have a meaningful right to be heard in a contested proceeding without the assistance of counsel. This is particularly so where the State, her adversary, is not only represented by counsel but also has vastly superior resources for investigation and presentation of its case." Department of Public Welfare v. J.K.B., 379 Mass. 1, 4 (Mass. 1979).

140. "Civil contempt proceedings are 'remedial and coercive,' intended to achieve compliance with the court's orders for the benefit of the complainant. *Cherry v. Cherry*," *Furtado v. Furtado*, 380 Mass. 137, 141 (Mass. 1980).

#### Associational Discrimination

141. "The term 'associational discrimination' refers to a claim that a plaintiff, although not a member of a protected class himself or herself, is the victim of discriminatory animus directed toward a third person who is a member of the protected class and with whom the plaintiff associates... The plaintiff's argument is that this form of discrimination fits within the scope of c. 151B § 4(16), because it causes a direct and specific injury to the employee and represents 'a formidable barrier to the full participation of an individual in the

workplace,' *College-Town, Div. of Interco, Inc. v. MCAD*, which c. 151B § 4, is intended to prevent. We agree." Flagg.

142. "In order to state a cognizable claim under Title VII, the plaintiff himself need not be a member of a recognized protected class; he need only allege that he was discriminated on the basis of his association with a member of a recognized protected class." Johnson v. University of Cincinnati, 215 F.3d 561, 573-575 (6th Cir.), cert. denied, 531 U.S. 1052, 121 S.Ct. 657, 148 L.Ed.2d 560 (2000).

143. "At that fundamental level, claims of associational discrimination based on race and handicap are the same. It is for this reason - as well as the similarity in statutory language - that we find the decisions interpreting Title VII cited in the text to serve as an instructive analog for our interpretation of § 4(16)." Flagg.

#### Retaliation Against Complaint For Discrimination

144. A child's right to family integrity is concomitant to that of a parent, "Equally fundamental is the substantive due process right of a child to be raised and nurtured by his parents."

Wooley v. City of Baton Rouge, 211 F.3d 913, 923 (5th Cir.2000).

145. "Our decisions, and those of the US Supreme Court, leave no doubt that 'the rights to conceive and to raise one's children' are 'essential... basic civil rights of man... far more precious ... than property rights.'" Department of Public Welfare.

146. "Before the State 'deprive[s] a legitimate [sic] parent of all that parenthood implies,' the requirements of due process must be met. *Armstrong v. Manzo*." Department of Public Welfare.

147. "Basic to due process is the right to be heard 'at a meaningful time and *in a meaningful manner*' (emphasis added). *Armstrong v. Manzo*." Department of Public Welfare.

148. "A person judged in civil contempt may not be sentenced to prison for failure to pay a compensatory sum of money if he shows that he is unable to comply." Salvesen v. Salvesen, 370 Mass. 608, 611 (Mass. 1976).

149. "An employee bringing a retaliation claim is not complaining of discriminatory treatment as such, but rather of treatment that 'punish[es]' her for complaining of or otherwise opposing such discriminatory treatment." Verdrager.

150. "A claim of retaliation is separate and distinct from a claim of discrimination. *Abramian*." Verdrager.

151. "Claims under G.L.c. 151B §§ 4(4) and 4(4A), are often referred to interchangeably as claims for retaliation. For clarity and better consistency with their apparent purposes, we will refer to the § 4(4) claim as a claim of retaliation and the § 4(4A) claim as a claim of interference." Sahli.

152. "G.L.c. 151B § 4(4), makes it unlawful for 'any person to discharge, expel or otherwise discriminate against any person because he has filed a complaint,' and § 4(4A), which makes it unlawful 'for any person to coerce, intimidate, threaten or interfere with another person in the exercise or enjoyment of any right granted or protected by this chapter.' Bain.

153. "A claim of retaliation may succeed even if the underlying claim of discrimination fails, provided that in discrimination claim, the claimant can 'prove that [she] reasonably and in good faith believed that the [employer] was engaged in wrongful discrimination.'" Psy-Ed Corp., quoting *Abramian*, quoting *Tate*.

154. "The word 'retaliation' is merely 'shorthand' that 'courts commonly use for more detailed wordings of anti-discrimination statutes such as' G.L.c. 151B § 4(4A). *Psy-Ed Corp.*" Verdrager.

155. "An employee may also bring a claim of retaliation. See, e.g., *Psy-Ed Corp.* (employee has claim for retaliation under c. 151B where employee engaged in protected conduct, he or she

suffered some adverse action, and causal connection exists between conduct and adverse action)." Town of Brookline.

156. "To survive summary judgment on a claim of retaliation, an employee must produce evidence from which a jury could infer ... [1] that the employee reasonably and in good faith believed that the employer was engaged in wrongful discrimination, [2] that the employee acted reasonably in response to that belief, ... through reasonable acts meant to protest or oppose discrimination (protected activity), [3] that the employer took adverse action against the employee, [and 4] that the adverse action was a response to the employee's protected activity (forbidden motive). *Verdrager*." Nealis.

157. "A claim of retaliation may prove the fourth element, forbidden motive [by] First, the employee must produce evidence 'that he engaged in protected conduct, that he suffered some adverse action, and that a causal connection existed between the protected conduct and the adverse action'. *Mole*." Nealis.

158. "We recognize that a permissible inference of retaliation may be drawn from an adverse action taken 'in the immediate aftermath of the employer's becoming aware of the employee's protected activity,' or 'where adverse employment actions follow close on the heels of protected activity.' *Mole*." King.

159. "At the second stage, the 'employer must then articulate a legitimate, nondiscriminatory reason' for the adverse employment decision." *Verdrager*." Nealis.

160. "Finally, if the employer meets its burden, then 'the employee must produce evidence that the employer's stated reason for [its adverse action] was a pretext for retaliating against [the employee] on account of [the employee's] protected activity'." *Verdrager*." Nealis.

161. "The employer's desire to retaliate against the employee must be shown to be a determinative factor in its decision to take adverse action. *Abramian*." Psy-Ed Corp.

162. "'Oppositional activity must be reasonable in order to receive protection.' *Niswander*... this requires a determination, based on the facts of each case, whether the employee's actions were 'reasonable under the circumstances' and, as a result, constituted protected conduct under G.L.c. 151B." *Verdrager*.

#### Interference Through Discrimination

163. "Identical language in the Federal antidiscrimination statute, Title VII, 42 U.S.C. § 2000e-2(a)(1) (2006), has been virtually uniformly construed over the past thirty-five years to provide for an interference claim... The *Sibley* court concluded



that the words 'any individual' should be given their ordinary meaning, and said that 'to permit a covered employer to exploit circumstances peculiarly affording it the capability of discriminatorily interfering with an individual's employment opportunities with another employer, while it could not do so with respect to employment in its own service, would be to condone continued use of the very criteria for employment that Congress has prohibited.'" Thomas.

164. "[MCAD] has, for more than a decade, construed § 4(4A) to recognize an interference claim brought against one who is not the complainant's employer. *Erewa*." Thomas.

165. "[G.L.c. 151B § 4(4A)] provision 'independently and explicitly provides for an interference claim, not merely against employers, but against all 'person[s].'" *Thomas*." Lopez.

166. "Retaliation claims under G.L.c. 151B § 4(4), and interference claims under G.L.c. 151B § 4(4A), constitute separate and independent causes of action." Sahli.

167. G.L.c. 151B § 4(4), "makes it unlawful for 'any person to discharge, expel or otherwise discriminate against any person because he has filed a complaint, testified or assisted in any proceeding under [G.L.c. 151B, §5], ' [and] § 4(4A) makes it unlawful for 'any person to coerce, intimidate, threaten, or

interfere with another person in the exercise or enjoyment of any right protected by this chapter, or to coerce, intimidate, threaten or interfere with such other person for having aided or encouraged any other person in the exercise or enjoyment of any such right granted or protected by this chapter.'" Psy-Ed Corp.

168. "[N]otwithstanding the fact that retaliation may also constitute interference under the second clause of § 4(4A), retaliation is not required to establish a claim of interference under the first clause of § 4(4A)." Lopez.

169. "It is not necessary that a plaintiff allege that such interference not only was intentional, but was undertaken with a specific intent to discriminate." Lopez.

170. "There is no dispute that 'coerce,' 'intimidate,' and 'threaten' that precede 'interfere' in § 4(4A) are each imbued with an element of purposefulness or intent. Coercion is 'the active domination of another's will'; intimidation involves 'putting in fear for the purpose of compelling or deterring conduct'; and threatening 'involves the intentional exertion of pressure to make another fearful or apprehensive of injury or harm.' Their presence in § 4(4A) suggests that a cause of action brought thereunder requires such a showing." Lopez.

#### Aiding And Abetting Discrimination

171. "General Laws c. 151B § 4(1), provides that 'It shall be an unlawful practice: for an employer, by himself or his agent, because of the sex of any individual to discharge from employment such individual or to discriminate against such individual in terms, conditions or privileges of employment.' This provision applies by its terms only to an 'employer.' G.L.c. 151B § 4(1). Nonetheless, individuals, whether supervisors, fellow employees, or third parties, also may be held liable by provisions that forbid 'any person to interfere with another person in the exercise or enjoyment of any right granted or protected by this chapter,' G.L.c. 151B § 4(4A), and that prohibit 'any person, whether an employer or an employee or not, to aid or abet the doing of any of the acts forbidden under this chapter.' G.L.c. 151B § 4(5). *Lopez.*" Verdrager.

172. "In order to prevail on an aiding and abetting claim under § 4(5), a plaintiff must show (1) that the defendant committed 'a wholly individual and distinct wrong separate and distinct from the claim in main'; (2) 'that the aider or abetter shared an intent to discriminate not unlike that of the alleged principal offender'; and (3) that 'the aider or abetter knew of his or her supporting role in an enterprise designed to deprive [the plaintiff] of a right guaranteed him or her under G.L.c. 151B.' *Harmon v. Malden Hosp.*" Lopez.

173. "'It is clear that the Legislature intended that an employer be liable for discrimination committed by those on whom it confers authority.' *College-Town*. Guided by the Legislature's expressed intent, and without resolving the extent to which 'G.L.c. 151B § [4(1)1, imposes an affirmative obligation on an employer to ensure that its workplace is not pervaded by harassment based on race, color, religious creed, national origin, sex, or ancestry, regardless of [its] source,' the court held that the employer was 'vicariously liable for the acts of its agents – its supervisory personnel.' Ibid." Thomas.

174. "'The shield of confidentiality' should not be turned 'into a sword' to defeat discrimination claims by employee-attorneys whose proof of discrimination may be found in privileged and confidential sources. *Fox Searchlight Picts, Inc.*" Verdrager.

#### Actual And Punitive Damages

175. "Emotional distress damage award must be supported by 'substantial evidence' and factual basis must be 'made clear on the record.' *Stonehill College v. MCAD*." Thomas.

176. "The award of emotional distress damages ... was within appropriate bounds. *DeRoche v. MCAD*." Thomas.

177. "Given the purpose of punitive damages, there is no reason in principle to exclude them, where a defendant's conduct warrants condemnation and deterrence." Bain.

178. "In context of c. 151B, punitive damages intended as not merely vindicating personal rights, but comprising part of a scheme to vindicate a 'broader public interest in eradicating systemic discrimination' *Wilfert Bros. Realty Co.*" Flagg.

179. "Although G.L.c. 151B does not provide any limit for punitive damages, the award of such damages is governed by common law and constitutional principles. *Labonte v. Hutchins Wheeler*. The Restatement (Second) of Torts § 908(2) (1979) provides that 'punitive damages may be awarded for conduct that is outrageous, because of the defendant's evil motive or his reckless indifference to the rights of others.'" Dartt v. Browning-Ferris Industries, Inc., 427 Mass. 1, 17 (Mass. 1998).

180. "[Courts] have eschewed an approach that concentrates entirely on the relationship between actual and punitive damages. It is appropriate to consider the magnitude of the potential harm that the defendant's conduct would have caused to its intended victim if the wrongful plan had succeeded, as well as the possible harm to other victims that might have resulted

if similar future behavior were not deterred." TXO Production Corp. v. Alliance Resources Corp., 509 U.S. 443, 460 (1993).

181. "TXO acted with malice. This was not a case of negligence, strict liability, or *respondeat superior* ... The evidence ... demonstrated that it acted ... through a 'pattern and practice of fraud, trickery and deceit,' and employed 'unsavory and malicious practices' ... The record shows that this was not an isolated incident on TXO's part – a mere excess of zeal by poorly supervised, low level employees – but rather part of a pattern and practice by TXO to defraud and coerce those in positions of unequal bargaining power.' *TXO Production Corp. v. Alliance Resources Corp.*" TXO Production Corp.

Mass. G.L.c. 231A (Declaratory Relief)

182. "G.L.c. 231A § 1, allows courts to 'make binding declarations of right, duty, status and other legal relations sought thereby, either before or after a breach or violation thereof has occurred in any case in which an actual controversy has arisen and is specifically set forth in the pleadings.' The purpose of this statute is to provide a plaintiff relief from uncertainty and insecurity with respect to rights, duties, status, and other legal relations." Sahli.

183. "One of the benefits of the declaratory procedure is that it does not require one to incur the risk of violating some term of a contract or of invading some right of the other, even if done in good faith, before he may have relief." School Com., Cambridge v. Supt. of Schools, 320 Mass. 516, 518 (Mass. 1946).

184. "Section 2, which addresses the controversies to which the procedure under § 1 may be applied, provides that 'this section shall not apply to the governor and council or the legislative and judicial departments.'" Fathers Families v. Chief Justice for Admin. Man, 952 N.E.2d 914, 916 (Mass. 2011).

185. "Although the language of G.L.c. 231A § 2, suggests a prohibition on any action for declaratory relief, the history of the management of court facilities and abrogation of sovereign immunity in the maintenance of public property suggests mat such a blanket prohibition was not intended by the Legislature." Sullivan v. Chief Justice, 448 Mass. 15 (Mass. 2006).

186. "In Sullivan v. Chief Justice, we allowed an action for declaratory judgment regarding the negligent management of court property to proceed against the CJAM." Fathers Families.

Mass. G.L.c. 258D (Erroneous Convictions)

187. "The erroneous convictions statute was enacted to ensure that 'those erroneously convicted but factually innocent be afforded equal opportunities to obtain compensation.' *Irwin*. Notably, the statute 'waives sovereign immunity for an erroneous felony conviction, G.L.c. 258D § 1(A), then establishes the class of claimants 'eligible to obtain relief.'" Renaud v. Commonwealth, 28 N.E.3d 478, 480 (Mass. 2015).

188. "In order to be entitled to compensation under the statute, the 'threshold matter of eligibility as a member of the class of claimants eligible to pursue relief' must be decided... As relevant here, concerning eligibility, G.L.c. 258D § 1(B)(ii), provides: 'The class of persons eligible to obtain relief under this chapter shall be limited to the following: ... those who have been granted judicial relief by a state court of competent jurisdiction, on grounds which tend to establish the innocence of the individual'" Renaud.

189. "The Commonwealth asserts that 'categorically' insufficient evidence of guilt does not necessarily equate to innocence. We do not disagree with this broad statement." Renaud.

Mass. G.L.c. 211 § 3

190. "Relief pursuant to G.L.c. 211 § 3, 'is extraordinary and will be exercised only in the most exceptional circumstances.'



*Campiti*. A party seeking such relief 'must demonstrate both a substantial claim of violation of his substantive rights and error that cannot be remedied under the ordinary review process.' *Dunbrack*." Sullivan v. Chief Justice.

191. "See Restatement (Second) of Torts § 821B (1979) ('A public nuisance is an unreasonable interference with a right common to the general public')." Sullivan v. Chief Justice.

192. "[A] private plaintiff will be allowed to maintain a public nuisance action where that plaintiff can 'show that the public nuisance has caused some special injury of a direct and substantial character other than that which the general public shares.' *Connerty*." Sullivan v. Chief Justice.

193. "'If at first you don't succeed, try, try again.' Not so in litigation." Mullins v. Corcoran, SJC-13049 (Mass.Aug.26, 2021).

194. "'Judicial estoppel is an equitable doctrine that precludes a party from asserting a position in one legal proceeding that is contrary to a position it had previously asserted in another proceeding." *Blanchette v. School Comm. of Westwood*." Otis v. Arbella Mutual Insurance Company, 443 Mass. 634 (Mass. 2005).

195. "Judicial estoppel addresses the incongruity of allowing a party to assert a position in one tribunal and the opposite in

another tribunal. If the second tribunal adopted the party's inconsistent position, then at least one court has probably been misled. See *Konstantinidis v. Chen.*" Edwards v. Aetna Life Ins. Co., 690 F.2d 595, 599 (6th Cir. 1982).

196. "The doctrine of judicial estoppel seeks 'to prevent the manipulation of the judicial process by litigants.' *Commonwealth v. DiBenedetto*, quoting *Canavan's Case.*" Mullins v. Corcoran.

197. "Two fundamental elements are widely recognized as comprising the core of a claim of judicial estoppel. First, the position being asserted in the litigation must be 'directly inconsistent,' meaning 'mutually exclusive' of, the position asserted in a prior proceeding... Second, the party must have succeeded in convincing the court to accept its prior position." Otis v. Arbella Mutual Insurance Company.

198. "'To have standing in any capacity, a litigant must show that the challenged action has caused the litigant injury.' *Slama v. Attorney Gen.*... Alleging 'injury alone is not enough; a plaintiff must allege a breach of duty owed to [him] by the public defendant.' *Northbridge v. Natick.*... The complained-of injury must be a direct and ascertainable consequence of the challenged action." Sullivan v. Chief Justice.

199. "In addition, for the plaintiff to have standing, the injury alleged must fall 'within the area of concern of the statute or regulatory scheme under which the injurious action has occurred.' *Ginther*." Sullivan v. Chief Justice.

200. "Circumstances that may give rise to an estoppel are: (1) a representation intended to induce reliance on the part of a person to whom the representation is made; (2) an act or omission by that person in reasonable reliance on the representation; and (3) detriment as a consequence of the act or omission." Bongaards v. Millen, 440 Mass. 10, 15 (Mass. 2003).

201. "The plaintiffs' claim for estoppel is not barred by sovereign immunity... The Superior Court has concurrent jurisdiction with this [SJC] court over the plaintiffs' claim for estoppel." Sullivan v. Chief Justice.

202. "The plaintiffs will have an opportunity to raise their constitutional arguments when their cases are heard before the Probate and Family Court (or other trial court), and to pursue appellate remedies if they are dissatisfied with the outcomes of those cases." Fathers Families.

#### **ARGUMENT AGAINST "PROTECTIVE" DISCRIMINATIONS**

##### Racism & Sexism Inherent In Key Statutes

Mass. G.L.c. 93 § 102 (Equal Rights Act or MERA) "(a) All persons within the commonwealth, regardless of sex, race, color, creed or national origin, shall have, except as is otherwise provided or permitted by law, the same rights enjoyed by **white male** citizens... (b) A person whose rights under the provisions of subsection (a) have been violated may commence a civil action for injunctive and other appropriate equitable relief, including the award of compensatory and exemplary damages... (c) A violation of subsection (a) is established if, based on the totality of circumstances, it is shown that any individual is denied any of the rights protected by subsection (a)... (d) An aggrieved person who prevails in an action authorized by subsection (b), in addition to other damages, shall be entitled to an award of the costs of the litigation and reasonable attorneys' fees in an amount to be fixed by the court."

1. MERA conclusively presumes that "white" and "male" are truly "special" in Mass. in that "white male citizens" of the state unconditionally "enjoy rights." The corollary of this arbitrary presumption is that, by definition, white male citizens of Mass. cannot ever complain about systemic violations of their rights.

Mass. G.L.c. 151B § 1 (unlawful discrimination because of race, color, religious creed, national origin, ancestry or sex)

2. The State's anti-discrimination law, while seemingly intended to systemically protect, does not mention a "protected class."

3. Nevertheless, "The statute sets out four elements: membership in a protected class, harm, discriminatory animus and causation" Lipchitz v. Raytheon Co., 434 Mass. 493, 502 (Mass. 2001); and specifically, "[A] plaintiff must produce evidence from which a reasonable jury may infer 'four elements: membership in a protected class, ...' *Lipchitz*." Verdrager v. Mintz, *supra*.

4. As concrete examples, "It was undisputed that Lipchitz was a member of a protected class because she was a woman," Lipchitz, *supra*; and to confirm, "the plaintiffs [female police officers] must show that they are members of the protected class, which they plainly have done," King v. City of Boston, *supra*.

5. Based on similar precedents, see above "Standard of Review," one must conclude that a precise, but never concretely specified yet crucial "protected class" in Mass. must mean, as per MERA, "all non-white and non-male," and also "non-healthy, non-normal, non-productive, non-capable, etc.," as per G.L.c. 151B, persons.

6. Obviously, none of the above "non-xxx" attributes of a person are meant in any derogatory or degrading way, as the intention is to merely define the State's majority "workhorse" for child support collection purposes. Per census, and the below mentioned

Congressional reports' data, statistical child support payments are effectively collected mainly from "normal, healthy, capable, productive, committed white males," or simply from "fathers."

7. Combining the obviously exclusive MERA & anti-discrimination statutes, one quickly concludes that it is impossible in Mass. to mount a systemic discrimination or civil rights violations suit (i.e. without sovereign immunity protection), where the "protected class" could be the same "White Fathers of Mass."

8. Therefore, the Mass. Family Courts, where the state's majority "workhorses" are put to work for federal reimbursements associated with child supports, can operate without any checks and balances, or other risks, even at the direct detriment of our children, due to a clearly **racist and sexist** application of the "General Laws" to a now 100% female dominated Family Court.

#### Financial Motives Provided By Congress

9. Federal reimbursements, associated with child supports, are defined, analyzed and reported to the US Congress as follows:

Congressional Research Service (CRS) "This collection provides the public with access to research products produced for the United States Congress" <https://crsreports.congress.gov/search/#/2?termsToSearch=child%20support&orderBy=Date>:

- Child Support Enforcement: Program Basics (1/6/2021) "The program is a federal-state matching grant program under which states must spend money in order to receive federal funding. For every dollar a state spends on CSE expenditures, it generally is reimbursed 66 cents from the federal government. This reimbursement requirement is "open ended," in that there is no upper limit or ceiling on the federal government's match of those expenditures,"
- "It is important for parents facing job loss, incarceration, or other substantial changes in circumstances to seek a modification to their order quickly so that they do not fall behind in their payments and thereby have to contend with past-due child support payments. Pursuant to federal law, the court cannot retroactively reduce the arrearages that a noncustodial parent owes."
- Child Support Enforcement Program Incentive Payments: Background and Policy Issues (5/2/2013) "The revised/current CSE incentive payment system added an element of uncertainty to what used to be a somewhat predictable source of income for states. Although in the aggregate, states receive higher incentive payments than under the earlier incentive payment system, the total amount available is fixed (as noted in the

previous section), and individual states have to compete with each other for their share of the capped funds.”

- “... the current incentive payment system requires that the incentive payment be reinvested by the state into either the CSE program or some other activity which might lead to improving the efficiency or effectiveness of the CSE program (e.g., mediation/conflict-resolution services to parents, parenting classes, efforts to improve the earning capacity of noncustodial parents, etc.)”
- “Penalties may also be assessed when the calculated level of performance for any of three performance measures—paternity establishment, support order establishment, or current collections—fails to achieve a specified level or when states are not in compliance with certain child support requirements.”
- Demographic and Socioeconomic Characteristics of Nonresident Parents (10/18/2021) “More than 9.7 million parents in the United States did not live with one or more of their children under age 21 in 2018. Policymakers have expressed interest in these nonresident parents out of concern for the wellbeing of the parents and the important emotional, time, financial, and other contributions they can make to their children’s lives. Research finds that many nonresident parents and their children



are economically vulnerable, and government policies often have substantial impacts on their lives.”

- “A majority of nonresident parents (5.4 million) reported paying child support in 2017. Among nonresident parents who paid anything in child support, the median payment was \$4,785, the mean payment was \$6,271, and the estimated total amount paid in child support was \$33.8 billion.”
- “Nonresident parents were disproportionately likely to be male. An estimated 75% (7.2 million) of nonresident parents were fathers and 25% (2.5 million) were mothers.”
- “In 2018 the majority of parents were White, non-Hispanic, including 54% (5.2 million) of nonresident parents.”
- “Nonresident parents (particularly nonresident fathers) had lower levels of employment than parents (particularly fathers) with resident-only children in 2017.”
- Fatherhood Initiatives: Connecting Fathers to Their Children (5/1/2018) “Long-standing research indicates that children raised in one-parent homes are more likely than children raised in homes with both biological parents to do poorly in school, have emotional and behavioral problems, become teenage parents, and have poverty-level incomes as adults.”

- "Most fatherhood programs include media campaigns that emphasize the importance of emotional, physical, psychological, and financial connections of fathers to their children."
- "During the period from FY1978 to FY2016, child support payments collected by the CSE agencies increased from \$1 billion to \$28.8 billion... noncustodial parents maintain that the CSE system is dismissive of their financial condition and continues to pursue child support payments (current support as well as arrearages) even when it knows that many of them can barely support themselves."
- The Child Support Enforcement Program: A Review of the Data (9/14/2016) "The CSE program is characterized by paradoxes. It collected only 20% of the child support obligations for which it had responsibility in FY2015 (i.e., 65% of all current collections and 7% of obligations that were past due). However, during the period FY1999-FY2015 child support payments collected by CSE agencies increased 80% nationally, from \$15.9 billion to \$28.6 billion."

10. And Massachusetts strives for the "highest possible rate of reimbursement," despite potential harm for Mass. children:

Mass. "FY 2021 Final Budget" <https://malegislature.gov/Budget/FY2021/FinalBudget>:

- 1201-0160 For the child support enforcement division;  
provided, that the department of revenue may allocate funds appropriated in this item to other state agencies for the performance of certain child support enforcement activities and those agencies may expend funds for the purposes of this item; ... provided further, that federal receipts associated with the child support computer network shall be drawn down at the **highest possible rate** of reimbursement...; provided further, that federal receipts associated with child support enforcement grants shall be deposited into a revolving account to be drawn down at **highest possible rate** of reimbursement...; provided further, ... the department shall file a report with the house and senate committees on ways and means detailing the balance, year-to-date and projected receipts and year-to-date and projected expenditures, by subsidiary, of the child support trust fund established under section 9 of chapter 119A of the General Laws; ... \$38,887,046
- 1201-0164 For the child support enforcement division, which may expend not more than \$6,630,551 from the federal reimbursements awarded for personnel and lower subsidiary related expenditures... \$6,630,551

Unconstitutional Statutory "Critical Theory"

11. Father has consistently pointed to Atty. Monroe Inker, "the father of modern family law," having had forcefully injected a plagiarized "Critical Theory," i.e. a theory as critical insofar as it seeks "to liberate human beings from the circumstances that enslave them," into family law by hijacking the above textually racist and sexist conclusive presumptions in MERA.

12. The presumption that "white males" unconditionally "enjoy rights" in Mass. yields a lucrative interpretation for Family Court: divorces are liberations from enslaving circumstances, and the "workhorse" fathers are guilty until proven otherwise.

13. A thus "progressive" recipe is simple, provoke the "evil" fathers to resist any inherently child-abusive treatment, and their reinterpreted "attacks" on the protected "victim" mothers become justified causes for swift punishments in Family Court.

14. The later disgraced Inker's goal was to turn divorces into child-predatory and thus obscene profiteering excuses. Activism-driven, loud "protection" of agitated groups of people by ad-hoc, unconstitutional "laws" results not only in profitable "high conflicts" but also in inconsistencies, absurdities and legal chaos. Communist and other "white" tyrannies have solved such legal chaos churned by their "guilty until proven innocent" dictum with forcefully silenced free labor, e.g. Gulag camps.

15. Proven by all tyrannies eventually collapsing due to simply running out of money, the otherwise perfectly healthy, normal, capable, highly-skilled, productive, and never violent Father's **forced indigency** is just as intractable and sadly unchanging.

16. Does such a "white male" belong to a "protected class" for the purposes of the anti-discrimination statute? Or even more importantly, is Father a **forcefully** "handicapped person"? Or, in other words, "the determination whether Dahill has a 'handicap' is a threshold inquiry under G.L.c. 151B: Does he fall within the class of persons the Legislature sought to protect?" Dahill v. Police Dept. of Boston, 434 Mass. 233, 243 (Mass. 2001).

#### **CONCLUSION AND AMENDED LIST OF VIOLATIONS**

Family Court's sustained actions and long-term discriminatory practices, on their face and as applied or threatened to be continually applied, systemically violate the Civil Code as deliberately and repeatedly denying Father's constitutional and other rights are not exempt under G.L.c. 258 § 10, and also are specifically not discretionary functions per G.L.c. 258 § 10(b).

#### **Amended List Of Systemic Violations**

1. Title 42 U.S.C. § 1983: Free speech and due process,
2. Title 42 U.S.C. § 1983: Equal protection,

3. Title 42 U.S.C. § 1983: Due Process,
4. Title 42 U.S.C. § 1983: Property taken without compensation,
5. Title 42 U.S.C. § 1983: Prospective injunctive relief,
6. Mass. G.L.c. 12 § 11I: Derogation by threats, intimidation or coercion,
7. Title 42 U.S.C. § 1985: Class-based discriminatory animus behind alleged sustained conspiracy,
8. Title 42 U.S.C § 2000e: Discriminations against implied "coerced employee" based on color, sex and national origin,
9. Title 42 U.S.C § 2000e: Prospective injunctive relief on discriminations,
10. Mass. G.L.c. 151B: Discriminations against implied "coerced employee" based on color, sex and national origin,
11. Mass. G.L.c. 151B: Parallel "associational discriminations" against induced "qualified handicapped person,"
12. Mass. G.L.c. 151B: Retaliations against complaints by threats, intimidation or coercion,
13. Mass. G.L.c. 151B: Interferences through discriminations by threats, intimidation or coercion,

14. Mass. G.L.c. 151B: Aiding and abetting of discriminations by threats, intimidation or coercion,
15. Mass. G.L.c. 151B: Prospective injunctive relief,
16. Mass. G.L.c. 215 § 9: Violations of "right to appeal,"
17. Mass. G.L.c. 258D: Erroneous convictions as further retaliations against a whistleblower,
18. Systemic and long-term deliberately colluding defamations,
19. Systemic and conspiring abuses of discretion,
20. Judicial estoppel for child-predatory discriminations,
21. Mass. G.L.c. 231A: Demand for declaratory relief.

Signed under the pains and penalties of perjury.

December 2, 2021

Respectfully submitted,

/s/ Imre Kifor, Pro Se  
718 Main St.  
Acton, MA 01720  
I have no phone  
[ikifor@gmail.com](mailto:ikifor@gmail.com)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the above Plaintiff's Memorandum Of Law Re: Systemic Long-Term Child-Predatory Discriminations In Family Court was this day served upon Defendants by emailing same to Atty. Evelyn Tang (AGO) via [evelyn.tang@state.ma.us](mailto:evelyn.tang@state.ma.us).

Signed under the pains and penalties of perjury.

December 2, 2021

/s/ Imre Kifor, Pro Se  
718 Main St.  
Acton, MA 01720  
I have no phone  
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## COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT

CIVIL ACTION 2181CV00921

-----

IMRE KIFOR,	)
Plaintiff	)
v.	)
	)
THE COMMONWEALTH OF MASSACHUSETTS,	)
MIDDLESEX PROBATE & FAMILY COURT	)
Defendants	)

-----

**RECEIVED**  
1/14/2022

**PLAINTIFF'S MOTION FOR THIRD AMENDED COMPLAINT DUE TO THREATENED**  
**AND IMMINENT SILENCING JAIL SENTENCE**

NOW COMES the Plaintiff, ("Father"), and respectfully states:

1. Father brought his complaint against the Defendants, ("Family Court"), on 4/24/2021 due to ongoing violations of his civil rights and then filed a first amended complaint on 9/16/2021.
2. Based on newly revealed evidence of Family Court's routine practices, Father filed a second amended complaint on 12/2/2021.
3. The unsuspecting Father desperately assented to waiting for Family Court's delayed 12/24/2021 response that was apparently timed just before his now imminent silencing jail sentence.

TK

4. Father needs access to his laptop to compile his opposition to the served motion to dismiss before the 1/3/2022 deadline.
5. The indigent Father has communicated with Family Court about his inability to transport himself to court without assistance.
6. Family Court emailed Father *"if you do not comply with the current order [to meet with me] I will have to file a criminal contempt and the sanction is up to 6 months of incarceration."*
7. While respectful, the desperate Father still has no ability to physically transport himself and to attend the meeting with Family Court's probation officer today, on 12/27/2021, at noon.
8. Also, the Single Justice Appeals Court has postponed acting on Father's petition for interlocutory appeal (see attached).
9. Once in jail, the indigent Pro Se Father will not be able to adequately reply to Family Court's now served motion to dismiss.
10. Moreover, Father now alleges that Family Court has been deliberately conspiring behind the current sentencing events to further silence Father and to violate his constitutional rights, now including the "Slavery Amendment" to the US Constitution.

WHEREFORE, Father respectfully requests that this Court allow him to file a third amended complaint to incorporate the above.

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Signed under the pains and penalties of perjury.

December 27, 2021

Respectfully submitted,

/s/ Imre Kifor  
Imre Kifor, Pro Se  
PO Box 2232  
Acton, MA 01720  
[ikifor@gmail.com](mailto:ikifor@gmail.com)

I have no phone  
I have no valid driver's license  
I no longer have a stable physical address

CERTIFICATE OF SERVICE

The undersigned hereby certifies that true copies of the above Plaintiff's Motion For Third Amended Complaint Due To Threatened And Imminent Silencing Jail Sentence was this day served upon Defendants by emailing same to Atty. Evelyn Tang (AGO) at [evelyn.tang@state.ma.us](mailto:evelyn.tang@state.ma.us).

Signed under the pains and penalties of perjury.

December 27, 2021

/s/ Imre Kifor

Imre Kifor, Pro Se

PO Box 2232

Acton, MA 01720

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## COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT  
CIVIL ACTION 2181CV00921

-----  
 IMRE KIFOR, )  
                     Plaintiff )  
 v. )  
                     ) )  
 THE COMMONWEALTH OF MASSACHUSETTS, )  
 MIDDLESEX PROBATE & FAMILY COURT )  
                     Defendants )  
 -----

**RECEIVED**

1/14/2022

**PLAINTIFF'S SUPPLEMENTAL MEMORANDUM OF LAW IN SUPPORT OF HIS**  
**OPPOSITION TO DEFENDANTS' MOTION TO DISMISS**

NOW COMES the Plaintiff, ("Father"), and respectfully states:

1. Father originally brought his complaint, ("Complaint"), against the Defendants, ("Family Court"), on 4/24/2021.
2. Father filed his first and then his second amended complaints on 9/16/2021 and respectively on 12/2/2021. Family Court served Father with their Motion To Dismiss, ("MTD"), on 12/24/2021.
3. Family Court's latest orders, dated 12/3, 6 and 13/2021, substantiate and prove Father's otherwise conjecture-based, by necessity, "Conspiracy To Silence And To Enslave" theory.

4. Father has filed a motion to amend his original complaint for the third time based on Family Court's renewed punitive actions.

**(RECAPITULATED) FACTUAL ALLEGATIONS**

5. Years before his first order to pay child supports, Father had been consistently complaining to Family Court, since 2009, about the allowed fraud, defamation and discriminations. Between then and 2018, when Father once again approached Family Court to seek modifications and relief, he never missed nor was ever late with any of his ordered ~\$5,000/month payments for his children.

6. Father is an immigrant from Romania, admitted to the US in 1986 on a political refugee basis (as a "hated minority" from a communist tyranny), specifically because he was not "Romanian."

7. Due to the nationally televised "Romanian Orphans" tragedy and anti-Romanian feminist activism, Family Court conveniently labeled Father a "Romanian" and allowed QAnon-style disgusting fabrications to persist in his cases. Had his national origin been anything else, such discriminations could not have existed.

8. Also, had Father not been an "ignorant immigrant," sustained long-term Family Court "protections" from malicious "imminent flight risks" pure scare tactics could not have been possible.

9. Since graduating from Boston University in 1991, Father has only worked for his own companies, all based on 1099 contracts.

10. Father has had professional success with software consulting (Fidelity Investments, Putnam Investments, Varian Semiconductor, Syncra Systems, etc.) and self-funded solo development efforts (Valto Systems, sold for \$25M), all through his own companies.

11. He started his current company, Quantapix, Inc., in 2011; he is a *de facto* full-time employee; the company is ready to accept 1099 software contracts and can return to doing regular payrolls and providing insurances on short notice. Moreover, while still a Mass. company, Quantapix can also accept "remote contracts."

12. Marking the start of the "**forced indigency**" proceedings, Father informed Family Court during the 2/12/2018 hearings that he had ran out of all of his financial resources and would not be able to continue to honor the support orders without relief.

13. Father also informed Family Court that he had invested all his personal savings into Quantapix, i.e. into his solo software development efforts, and needed to start to publish his results.

14. Family Court delayed notifying Father about any decisions until 8/6/2018, which is less than 3 years before 4/24/2021.

15. Throughout the subsequent 20+ hearings, Family Court has dogmatically maintained that Father had been unconditionally able to earn at least a minimum wage, and refused to credit any of Father's claims of fraud, defamation and discriminations.

16. Family Court has discriminated against Father also based on color and sex, as none of Father's claims had ever been taken as true, regardless of him being plaintiff or defendant, while the two mothers' words had always been counted as "absolute facts," despite being self-contradictory, or sexually harassing per se.

17. As Father had been alleging extensively documented child-predatory "mental health" fraud and discriminatory activism, he was labelled "dangerous" and then he was silenced and sentenced.

18. Family Court then initiated a punitive crusade against him by blocking, ignoring, deflecting, delaying, denying, etc. his attempts to prove his innocence and his thus forced indigency.

19. Father's rights to submit evidence and to call witnesses, in order to prove his innocence and forced indigency, were denied.

20. The ongoing fraud, defamation and discriminations allowed in Family Court have forced Father into an intractable indigency.

21. In the 4 years since January 2018 his in-arrears obligations for his 4 children have now reached  $4 \times 12 \times \$5,000 = \$240,000+$ .



22. Appealing Family Court decisions turned into an existential struggle, as the court's actions had been designed to intimidate and coerce Father, and to fully deprive him of his rights to due process, in violation of 42 U.S.C. § 1983 and G.L.c. 12, § 11I.

23. Nevertheless, Father's repeated attempts to appeal the decisions have all been systemically sabotaged, as he had timely and properly filed 11 notices of appeals by 8/25/2021, only to have the court finally assemble the appeals record on 10/6/2021.

24. On 3/9/2021, the Appeals Court noted a) *"The on-line dockets for the two [Family Court] cases cited in the heading of the defendant's motion do not reflect any prior assembly of the record or, in fact, that a notice of appeal was filed in either matter,"* and b) *"another case involving this defendant, does reflect three notices of appeal filed by the defendant. However, in that case, the record does not reflect whether the defendant has ordered the transcripts necessary for his appeal, whether the transcripts were filed with the Probate and Family Court."*

25. Without Father's timely filed Complaint (within 60 days of the above note) the Family Court's sustained & systemic "errors in proceedings" would not have been "reviewable by motion or by appeal," and docketing his appeals<sup>1</sup> would have been impossible.

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<sup>1</sup> See the paired 21-P-503, 21-P-901 and 21-P-902 appeals.

26. Responding to his Complaint, Family Court then served Father with logs of docket entries. Analyzing these allowed him to file affidavits documenting that *"[Father] has now also substantiated his claims that the lower Family Court's docket records are deliberately maintained in faulty, biased, and incomplete states with malicious, fraudulent, and child-abusive motives."*

27. He also emphasized in his affidavits that *"Father reasserts that subsequent actions based on presumptions of 'truthful' docket records constitutes material proof of Family Court's deliberate defrauding of [the] Appeals Court, while also clearly sabotaging Father's right to appeal, pursuant to G.L.c. 215 §9."*

28. To preserve these deceptions in the dockets through court actions, Father has also appealed<sup>2</sup> the single justice denials.

29. To sadistically punish and silence the vocal Father, Family Court allowed the deliberate subornation of perjury on Father's children, only to order him to never contact the children again.

30. Father, who will not abandon his children, has now attempted **1,360 times** to call his dear children, freely on the internet.

31. Father's forced and thus intractable indigency is exploited ad infinitum through the endless and ambiguous contempt actions.

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<sup>2</sup> See the consolidated 21-P-825 appeal.

**CONSPIRACY TO SILENCE AND TO ENSLAVE**

32. MTD confirms that remote access to case dockets (like those at issue here) is limited by Family Court's Standing Order 3-16.

33. Father therefore could only speculate, without any proofs, about the observed conspiracies "secretly" at work behind the Family Court's primary objectives to silence & sentence Father.

34. Family Court used the parallel cases to either force Father into involuntary servitude (by ordering him to seek jobs that cannot support him without future jail) or immediately sentence him without any intentions to solve the known indigency issue, e.g. by crediting his fraud, defamation & discrimination claims.

35. Multiple judges apparently conspired to simultaneously order "minimum wage" jobs AND suspended driver's licenses for Father, while claiming that they didn't know/care about the other case.

36. Being unable to pay any child supports, Father proved to be a trivial target to silence with jail sentences. As only "some" portion of the in-arrears child supports is required, no payment at all (with Father somehow still present at the hearings) is a proof by itself of therefore diverted & thus controlled moneys.

37. The indigent Father, owing \$110,000+, was ordered to jail on 10/21/2019 as he had "clearly diverted" ~\$10 for the train ride.

38. Understanding that a Pro Se Father had no chance to stay afloat legally, never mind succeeding in layman appeals, Family Court had no reasons to respect Father's constitutional rights.

39. His "incogent" filings were easy to ignore, deny or dismiss for years in Family Court, and the staged "in-person" contempt hearings on 12/3 and 6/2021 were designed to silence him with a jail sentence just before he could respond in the other courts.

40. Being physically present in either one of the two parallel hearings would render Father immediately guilty of contempt in the other case for non-payment of thus diverted child supports.

41. As Father had no ability to physically transport himself to court without assistance, Family Court issued an unseen capias.

42. Fully respecting all the courts, Father immediately complied with the 12/6/2021 order for applying to at least 10 jobs/week.

43. The conspiracy scheme to silence Father with a jail sentence (for civil contempt for non-payment of child supports) had to be saved. On 12/13/2021 Family Court revised the 12/6/2021 order to compel and trap Father with mandatory weekly presence in court for proofs of e-filed job applications, an unnecessary hurdle.

44. Physically meeting with the probation officer (to avoid a threatened criminal contempt) in the already decided case would

have rendered Father guilty for civil contempt in the pending case, guaranteeing the silencing and *de facto* failed appeals.

45. The isolated, i.e. under implied house arrest, layman Father had been forced to face the Family Court's "elite sicarios," the million-dollar partner/lawyers of the nation's "Best Law Firms."

46. Based on sadistic ulterior motives that cannot be appealed, Family Court's deliberately ambiguous court orders, relentlessly and frivolously exploited by the elite sicarios, were meant to forcefully trap & continually keep Father in contempt of court.

47. A thus successful conspiracy would render Father guilty of civil contempt, with him sentenced and silenced. Father's paired appeals were thus safely left without responses on 12/20/2021.

48. Having no ability to transport himself without assistance for a third week, Father is now facing criminal contempt and 6 months of jail time for ~\$100 of personal transportation money.

49. The "slavery" (13th) amendment rightfully does not apply in child support enforcement cases. The \$100 that Father must have, under threat of immediate jail sentence, is NOT child support.

50. Having \$100 for personal transportation, only to meet the probation officer, will render the proven (as finally both cases

are decided by the same judge) long-term conspiracy successful and Father sentenced for civil contempt in the pending case.

51. Therefore, nobody who "likes" Father will give him \$100.

52. Father has now documented a child-predatory ulterior motive: federal reimbursements re: child support enforcements must be claimed at the highest rate, and any revisions of Family Court's hence documented falsified records would result in penalties.

53. Any gainful employment is also excluded by the prospect of an immediate jail sentence, due to Family Court's demonstrated objective to forcefully silence a whistleblower by all means.

54. No employer seems to be willing to entertain full-time job offers to a forcedly indigent Father, with a discrimination-induced handicap prohibiting physical transportation, when his wages would be immediately garnished at 75%+ by multiple child support orders, and thus without CCPA (Title III) protections.

55. As per the recent clear orders and threats by Family Court, Father can only escape a criminal contempt and silencing certain jail sentence by submitting himself to "involuntary servitude."

56. However, as soon as Father becomes a thus slave, he faces a silencing certain jail sentence for civil contempt of his non-payment of any portion of the \$240K+ in-arrears child supports.

57. Father has attempted to individually appeal<sup>3</sup> Family Court's latest orders. While the interlocutory appeals have been stayed, pending reconsideration of the orders by Family Court, it is not possible to "review by motion or by appeal" the herein presented *a priori* conspiracy BETWEEN the two parallel contempt actions.

#### **STANDARD OF REVIEW**

58. "A civil action in the nature of certiorari to correct errors in proceedings which are not... otherwise reviewable by motion or by appeal, may be brought in the supreme judicial or superior court..." G.L.c. 249, § 4" Picciotto v. Chief Justice of the Superior Court, 446 Mass. 1015, 1016 (Mass. 2006).

59. "If the plaintiffs believed that the... order was erroneously entered, they were free to seek appellate review... Accordingly, we conclude that persons appointed to perform essential judicial functions are entitled to absolute immunity." LaLonde v. Eissner, 405 Mass. 207, 213 (Mass. 1989).

60. "One of the primary purposes of absolute immunity is to spare public officials the burden of having to defend their official actions in a civil lawsuit." Chicopee Lions Club v. Dist. Atty for Hampden Dist, 396 Mass. 244, 253 (Mass. 1985).

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<sup>3</sup> See the parallel 21-J-606 and 21-J-607 petitions for interlocutory appeals, stayed until 1/24/2022.

61. "His errors may be corrected on appeal, but he should not have to fear that unsatisfied litigants may hound him with litigation charging malice or corruption" Pierson v. Ray, 386 U.S. 547, 554 (1967).

62. "The complaint is nothing but an attempt at a collateral attack on a final Probate Court judgment, the appeal from which was long ago dismissed." Geyed v. Stahlin, 985 N.E.2d 875 (Mass. App. Ct. 2013).

63. "To the extent that the petitioner seeks monetary damages under 42 U.S.C. § 1983, a judge is absolutely immune unless the actions giving rise to the suit were 'not taken in the judge's judicial capacity,' or taken 'in the complete absence of all jurisdiction.'" Mireles v. Waco" Johnson v. Commonwealth, 977 N.E.2d 541, 544 (Mass. 2012).

64. "Immunity is overcome in only two sets of circumstances. First, a judge is not immune from liability for nonjudicial actions, i.e., actions not taken in the judge's judicial capacity. Second, a judge is not immune for actions, though judicial in nature, taken in the complete absence of all jurisdiction." Mireles v. Waco, 502 U.S. 9, 11-12 (1991).

65. "The relevant cases demonstrate that the factors determining whether an act by a judge is a 'judicial' one relate to the



nature of the act itself, i. e., whether it is a function normally performed by a judge, and to the expectations of the parties, i. e., whether they dealt with the judge in his judicial capacity." Stump v. Sparkman, 435 U.S. 349, 362 (1978).

66. "A judge will not be deprived of immunity because the action he took was in error, was done maliciously, or was in excess of his authority, but rather he will be subject to liability only when he has acted in the 'clear absence of all jurisdiction,' *Bradley v. Fisher*." Stump v. Sparkman, 435 U.S. 349 (1978).

67. "The Court, however, has recognized that a judge is not absolutely immune from... a suit for prospective injunctive relief, *Pulliam v. Allen*." Mireles v. Waco, 502 U.S. 9, 10 n.1 (1991).

68. "We conclude that judicial immunity is not a bar to prospective injunctive relief against a judicial officer acting in her judicial capacity." Pulliam v. Allen, 466 U.S. 522, 541-42 (1984).

69. "We hold that neither a State nor its officials acting in their official capacities are 'persons' under § 1983." Will v. Michigan Dept. of State Police, 491 U.S. 58, 66 (1989).

70. "The clarity of the [42 U.S.C. § 1983] text prompted Justice Douglas to remark "[t]o most, 'every person' would mean every person, not every person except judges." *Pierson v. Ray*." Fogle v. Sokol, 957 F.3d 148, 158 n.10 (3d Cir. 2020).

71. "Public officials are not liable under the Civil Rights Act for their discretionary acts, unless they have violated a right under Federal or State constitutional or statutory law that was 'clearly established' at the time" Duarte v. Healy, 405 Mass. 43, 47 (Mass. 1989).

72. "The Supreme Court has stated that, under § 1983, '[a] law that fails to specify the precise action that the official must take in each instance creates only discretionary authority.' *Davis v. Scherer*. We hold that the same is true under our Civil Rights Act." Duarte v. Healy, 405 Mass. 43, 48 (Mass. 1989).

73. "'Statutes are to be interpreted, not alone according to their simple, literal or strict verbal meaning, but in connection with their development, their progression through the legislative body, the history of the times, [and] prior legislation... General expressions may be restrained by relevant circumstances showing a legislative intent that they be narrowed and used in a particular sense.' *Murphy v. Bohn*." Sullivan v. Chief Justice, 448 Mass. 15, 24 (Mass. 2006).

74. "Congress enacted § 1 of the Civil Rights Act of 1871, 17 Stat. 13, the precursor to § 1983, shortly after the end of the Civil War 'in response to the widespread deprivations of civil rights in the Southern States and the inability or unwillingness of authorities in those States to protect those rights or punish wrongdoers.' *Felder v. Casey*." Will v. Michigan Dept. of State Police, 491 U.S. 58, 66 (1989).

75. "The legislative history of § 1983 demonstrates that it was intended to '[create] a species of tort liability' in favor of persons who are deprived of 'rights, privileges, or immunities secured' to them by the Constitution." Carey v. Piphus, 435 U.S. 247, 253 (1978).

76. "§ 1983 was intended not only to 'override' discriminatory or otherwise unconstitutional state laws, and to provide a remedy for violations of civil rights 'where state law was inadequate,' but also to provide a federal remedy 'where the state remedy, though adequate in theory, was not available in practice.' *Monroe v. Pape*." Zinermon v. Burch, 494 U.S. 113, 124 (1990).

77. "Procedural due process rules are meant to protect persons not from the deprivation, but from the mistaken or unjustified

deprivation of life, liberty, or property" Carey v. Piphus, 435 U.S. 247, 259 (1978).

78. "Claims of [bias] must overcome a presumption that state administrators are fair and honest: the court must be convinced of a 'risk of actual bias.' *Withrow v. Larkin*." O'Brien v. DiGrazia, 544 F.2d 543, 547 (1st Cir. 1976).

79. "Retaliation is, by definition, an intentional act. It is a form of 'discrimination' because the complainant is subjected to differential treatment." Jackson v. Birmingham Bd., 544 U.S. 167, 168 (2005).

80. "The elements of the tort of interference with an advantageous relationship that a plaintiff must prove are "(1) a business relationship or contemplated contract of economic benefit; (2) the defendant's knowledge of such relationship; (3) the defendant's intentional and malicious interference with it; (4) the plaintiff's loss of advantage directly resulting from the defendant's conduct." *J.R. Nolan, Tort Law*." Comey v. Hill, 387 Mass. 11, 19 (Mass. 1982).

81. "We require that a civil contempt finding be supported by clear and convincing evidence of disobedience of a clear and unequivocal command." In re Birchall, 454 Mass. 837, 838-39 (Mass. 2009).

82. "A person judged in civil contempt may not be sentenced to prison for failure to pay a compensatory sum of money if he shows that he is unable to comply." Salvesen v. Salvesen, 370 Mass. 608 (Mass. 1976).

83. "It is important to note that 'analogy to the tax statutes suggests that the government must demonstrate only that the defendant was able to pay **some** portion of his past due child support obligations in order to establish liability under the [Child Support Recovery Act, ("CSRA")].'" U.S. v. Mattice." U.S. v. Smith, 278 F.3d 33, 40 n.5 (1st Cir. 2002).

84. "The House Report to the CSRA also made specific reference to these provisions: The operative language establishing the requisite intent under [the CSRA] is 'willfully fails to pay.'" U.S. v. Williams, 121 F.3d 615, 620-21 (11th Cir. 1997).

85. "Abolishing Slavery" - Thirteenth Amendment "Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. Section 2. Congress shall have power to enforce this article by appropriate legislation."

86. "Child-support awards fall within that narrow class of obligations that may be enforced by means of imprisonment

without violating the constitutional prohibition against slavery." U.S. v. Ballek, 170 F.3d 871, 874 (9th Cir. 1999).

87. "Where the additional punishment could involve the imposition of a very large fine, or a very long period of probation, or the forfeiture of substantial property, the severity of the total punishment may be sufficiently great so as to turn what would otherwise be a petty offense into a serious one." U.S. v. Ballek, 170 F.3d 871, 874 (9th Cir. 1999).

88. "'Circumstances that may give rise to an estoppel are (1) a representation intended to induce reliance on the part of a person to whom the representation is made; (2) an act or omission by that person in reasonable reliance on the representation; and (3) detriment as a consequence of the act or omission.'" *Bongaards v. Millen*." Sullivan v. Chief Justice, 448 Mass. 15, 27-28 (Mass. 2006).

89. "'The doctrine of estoppel is not applied except when to refuse it would be inequitable.'" *Cleaveland v. Maiden Sav. Bank*." Sullivan v. Chief Justice, 448 Mass. 15, 28 (Mass. 2006).

90. "A complaint should not be dismissed 'unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief.'" *Conley*

v. Gibson." O'Brien v. DiGrazia, 544 F.2d 543, 546 n.3 (1st Cir. 1976).

### **ARGUMENT**

91. Pursuant to G.L.c. 249, § 4, this Court has jurisdiction over Complaint as Family Court has a) repeatedly denied Father's Rule 60 motions for relief without any explanations, and b) has deliberately sabotaged all his attempts to appeal the decisions.

92. Family Court's sustained & systemic actions (to deliberately prevent their indigency inducing punitive decisions from being "otherwise reviewable by motion or by appeal") could not have been "taken in [Family Court's] judicial capacity" and have been taken "in the complete absence of all [appellate] jurisdiction."

93. As judicial immunity is overcome in only these two sets of circumstances, Father's claims cannot be barred by the doctrine of judicial immunity as they simultaneously satisfy both.

94. Moreover, G.L.c. 249, § 4 provides this Court jurisdiction, and Father a direct cause of action, to amend/extend<sup>4</sup> Complaint with the above "Conspiracy To Silence And To Enslave" (in direct violations of Father's Constitutional rights) and to also enjoin Complaint against Judges Allen & Cafazzo, and Officer Anderson.

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<sup>4</sup> See the notice and motion to amend filed in this Court on 12/27/2021.

95. Father's forced indigency only started in January 2018, and as Family Court withheld their first communicated decisions or actions from Father until 8/6/2018, a Complaint duly filed on 4/24/2021 still falls within the 3 year statutes of limitations.

96. Father also filed Complaint within 60 days of learning from the Appeals Court that his notices of appeals had been ignored.

97. MTD claims that "[A] remedy by appeal, when provided, is exclusive," by referring to G.L.c. 215, § 9 as the only remedy, while **misleadingly** exhibiting Father's denied single justice dockets. Those "J" dockets<sup>5</sup> were rejected implicitly due to no existing or valid notices of appeals reported by Family Court.

98. While G.L.c. 215, § 9 does not provide a cause of action, deliberate sustained sabotaging of the statute by Family Court renders the alleged "errors in proceedings" not "reviewable by appeal" and remedied by G.L.c. 249, § 4 and its cause of action.

99. Family Court has acted without judicial capacity and in the complete absence of all appellate jurisdictions when sabotaging Father's repeated attempts to appeal their decisions, and thus could not have been acting in any "official capacities" for the purposes of § 1983, § 1985 and Mass. Civil Rights Act, ("MCRA").

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<sup>5</sup> See the "rejected as improper" single justice petitions 19-J-527, 20-J-007, 20-J-100, 20-J-147, 20-J-279, 20-J-280, 21-J-79 and 21-J-080.



100. If the Commonwealth and its agencies are not acting in any "official capacities" (while deliberately violating the US & MA Constitutions in order to cover up a child-predatory "Conspiracy To Silence And To Enslave" with the direct motive of maintaining the "highest rate" of federal reimbursements despite falsified docket records) then they can only be "persons" for the purposes of § 1983, § 1985 & MCRA, and subject to liability under those.

101. Pursuant to 42 U.S.C. § 2000e and G.L.c. 151B, Father has never had any ambitions to become an employee of Family Court, an agency receiving federal reimbursements referencing Father.

102. While Father has had a *de facto* full-time position in his own company (that has been reliably and properly paying payroll and all ordered insurances for years), Family Court deliberately and specifically denied Father the option to continue with that 30+ year "tradition" in the "Job Search Order" dated 12/13/2021.

103. As per the above "Conspiracy To Silence and To Enslave," the true objective behind Family Court's actions, under the color of "official capacities," is to silence the vocal Father.

104. Father has alleged and documented sustained and systemic discriminations by Family Court, including interferences, aiding and abetting, associational discriminations, etc., and direct retaliations for all the above, a discrimination in itself.

105. As a final retaliation (to induce in the imminent criminal contempt and ~6 months of jail sentence), Family Court ordered such interlocking punitive conditions for Father's "seek work" efforts that Father could not engage in **any gainful employment**.

106. Satisfying the bad faith conditions of the 12/13/2021 "Job Search Order" (to avoid criminal contempt), Father would imply to Family Court a "diversion" of ~\$100/week (from the \$240K+ accumulated in-arrears child supports) and would thus "request" his own immediate incarceration per the staged civil contempts.

107. Family Court has therefore become Father's not just "**de facto employer**" (as per his "*Implied Coerced Labor Context*" subsection on page 66 of Father's Memorandum Of Law submitted in this Court on 12/2/2021), but also his "**slave master**" as per "*When the master can compel and the laborer cannot escape the obligation to go on, there is no power below to redress and no incentive above to relieve a harsh overlordship or unwholesome conditions of work.*" Pollock v. Williams, 322 U.S. 4, 18 (1944).

108. More specifically: "*What is peonage? It may be defined as a status or condition of compulsory service, based upon the indebtedness of the peon to the master. The basal fact is indebtedness.*" Clyatt v. U.S., 197 U.S. 207, 215 (1905).

109. MTD claims that there is no "erroneous felony conviction resulting in incarceration," pursuant to G.L. c. 258D, while knowing that Father has been isolated with a discrimination-induced handicap (by false prosecution & forced indigency for 4 years, and living under an implied "house arrest" for ~3 years).

110. As *"the severity of total punishment may be sufficiently great so as to turn what would otherwise be a petty offense into a serious one."* U.S. v. Ballek, MTD is therefore inconsistent.

111. The **malicious prosecution** and **abuse of process** deliberately and systemically unleashed by Family Court had a well documented purpose: to silence a whistleblower Father about allowed child-predatory fraud, defamation & discriminations (see attachments).

112. MTD also claims that in the "exercise of a discretionary function by justices of the Family Court, within the scope of their offices," any potential tort claim is barred by sovereign immunity. However, if Family Court is not acting in "official capacities," *supra*, there cannot be "discretionary functions."

113. While G.L.c. 231A does not apply to the judiciary, Family Court has not acted in "official capacities," *supra*, and Father is entitled per *"Said procedure under section one may be used in the superior court to enjoin and to obtain a determination of the legality of the administrative practices and procedures."*

114. In Complaint Father specifically *"stated a claim for [judicial] estoppel on which relief could be granted, a claim that was not barred by the doctrine of sovereign immunity by operation of G.L.c. 258, § 10 (j)(1), and that fell under the concurrent jurisdiction of both the Superior Court and [SJC]."* Sullivan v. Chief Justice, 448 Mass. 15 (Mass. 2006).

#### **CONCLUSION**

115. Father has recapitulated the relevant facts of Complaint, has corrected MTD's incomplete "standard of review," and argued that MTD misreads, misinterprets and misrepresents Complaint.

116. Pursuant to Mass. R. Civ. P. 8(a), Father has claimed that Family Court had violated his civil rights and had discriminated against him based on color, sex, national origin and handicap.

117. For the foregoing reasons, Father respectfully requests that this Court deny the Family Court's latest misleading motion to dismiss, pursuant to Mass. R. Civ. P. 12(b)(1) and 12(b)(6).

Signed under the pains and penalties of perjury.

December 31, 2021

Respectfully submitted,

/s/ Imre Kifor  
Imre Kifor, Pro Se  
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Acton, MA 01720  
[ikifor@gmail.com](mailto:ikifor@gmail.com)

I have no phone  
I have no valid driver's license  
I no longer have a stable physical address

CERTIFICATE OF SERVICE

The undersigned hereby certifies that true copies of the above Plaintiff's Supplemental Memorandum Of Law In Support Of His Opposition To Defendants' Motion To Dismiss was this day served upon Defendants by emailing same to Atty. Evelyn Tang (AGO) at [evelyn.tang@state.ma.us](mailto:evelyn.tang@state.ma.us).

Signed under the pains and penalties of perjury.

January 2, 2022

/s/ Imre Kifor

Imre Kifor, Pro Se

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## COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT

CIVIL ACTION 2181CV00921

**RECEIVED**

1/14/2022

-----  
 IMRE KIFOR, )  
                     Plaintiff )  
 v. )  
                     ) )  
 THE COMMONWEALTH OF MASSACHUSETTS, )  
 MIDDLESEX PROBATE & FAMILY COURT )  
                     Defendants )  
 -----

**PLAINTIFF'S REPLY TO DEFENDANTS' OPPOSITION TO  
MOTION FOR THIRD AMENDED COMPLAINT**

NOW COMES the Plaintiff, ("Father"), and respectfully states:

1. Father brought his complaint against the Defendants, ("Family Court"), on 4/24/2021 due to ongoing violations of civil rights.
2. Father filed his first and then his second amended complaints on 9/16/2021 and respectively on 12/2/2021. Family Court served Father with their Motion To Dismiss, ("MTD"), on 12/24/2021.
3. Father duly served Family Court with his opposition to MTD on 1/2/2022. In his attached supplemental memorandum of law, Father recapitulated the relevant facts of his complaint, corrected the

Family Court's incomplete "standard of review," and argued that MTD misread, misinterpreted and misrepresented his complaint.

4. Family Court had 10 days to file the thus completed Rule 9A package to properly dismiss Father's complaint, as contemplated by the Rule 9E "notice of motion to dismiss" filed on 1/4/2022.

5. Instead of filing the Rule 9A package for MTD by 1/12/2022, Family Court converted their MTD into "hypothetical" exhibits to their (hereby to be answered) opposition to Father's motion.

6. Specifically, Family Court's opposition to Father's motion for a now third amended complaint is built on conclusions drawn from their thus exhibited hypotheticals. For completeness sake, Father's served opposition to MTD is herein attached as well.

7. By directly circumventing Father's opposition to MTD, Family Court is attempting to effectively invalidate Father's claims and to silence his earnest but perhaps also amateurish efforts.

8. Other than claiming that a proposed third amended complaint is "futile," as it "could not withstand a motion to dismiss," Family Court's opposition to Father's motion is a rehash of MTD, and therefore, as a reply, Father hereby redirects to his served opposition to MTD and supplemental memorandum of law & exhibits.



9. Moreover, as Family Court's parallel orders, dated 12/3, 6 and 13/2021, substantiate and prove Father's now documented **"Conspiracy To Silence And To Enslave"** theory, Father reiterates that this Superior Court has sole original jurisdiction over any such claims of collusion and conspiracy to violate civil rights.

10. Father's efforts to appeal the parallel Family Court cases, including interlocutory appeals of the above orders, are also limited, despite the simultaneousness or "pairing" of appeals.

11. As the original Family Court matters precluded Father from referring to the "other" case, collusion and conspiracy could not originally be claimed, and hence cannot be appealed either.

12. Pursuant to G.L.c. 249, § 4, this Court has original "in the nature of certiorari" jurisdiction, and Father a direct cause of action, to amend/extend Father's prior complaint with the above **"Conspiracy To Silence And To Enslave"** (in direct violations of constitutional rights) and to also enjoin Father's thus amended complaint against Judges Allen & Cafazzo, and Officer Anderson.

13. Despite the "waiting" parallel interlocutory appeals, the Family Court's attached and just reconsidered orders (dated 1/12/2022) further substantiate Father's claims for the specific need to "correct errors in proceedings which are not according to the course of the common law, which proceedings are not

otherwise reviewable by motion or by appeal, may be brought in the supreme judicial or superior court," G.L.c. 249, § 4.

WHEREFORE, Father respectfully requests that this Court allow Father's motion for a third amended complaint to specifically extend it to aspects of alleged and now documented collusions & conspiracies (to violate constitutional rights) by Family Court, through the leveraging of the parallel cases against each other.

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1/12/2022 "Amended 'seek work' order"	. . . . .	25

Signed under the pains and penalties of perjury.

January 13, 2022

Respectfully submitted,

/s/ Imre Kifor  
Imre Kifor, Pro Se  
PO Box 2232  
Acton, MA 01720  
[ikifor@gmail.com](mailto:ikifor@gmail.com)

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that true copies of the above Plaintiff's Reply To Defendants' Opposition To Motion For Third Amended Complaint was this day served upon Defendants by emailing same to Atty. Evelyn Tang (AGO) at [evelyn.tang@state.ma.us](mailto:evelyn.tang@state.ma.us).

Signed under the pains and penalties of perjury.

January 14, 2022

/s/ Imre Kifor  
Imre Kifor, Pro Se  
PO Box 2232  
Acton, MA 01720  
[ikifor@gmail.com](mailto:ikifor@gmail.com)

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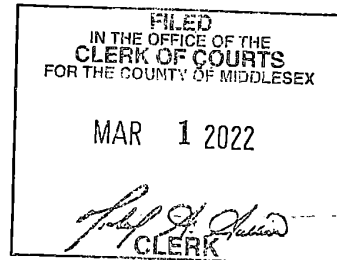
43

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT  
CIVIL ACTION 2181CV00921

-----  
IMRE KIFOR, )  
Plaintiff )  
v. )  
 )  
THE COMMONWEALTH OF MASSACHUSETTS, )  
MIDDLESEX PROBATE & FAMILY COURT )  
Defendants )  
-----



PLAINTIFF'S AFFIDAVIT ON STATUS

NOW COMES the Plaintiff, ("Father"); and respectfully states:

1. Father filed his Rule 9A Package re: Father's motion for his third amended complaint with this Court on 1/14/2022.

2. The Defendants filed their Rule 9A Package re: their motion to dismiss Father's second amended complaint on 1/18/2022.

---3--- Father was arrested and brought in front of the Defendant, "Family Court," on 1/21/2022, where he was later released.

4. Father filed a complaint for discrimination against Family Court with MCAD (#22BPA00184) on 1/25/2022, see attached.

5. Father filed his "Emergency Petition For Relief In The Nature Of Certiorari Pursuant To G.L.c. 249, § 4" with the Supreme Judicial Court (#SJ-2022-0041) on 1/31/2022, see attached.

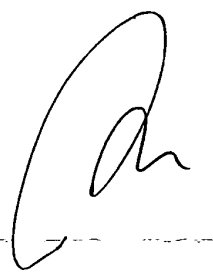
6. Father filed his "Affidavit On Receipt Of No Opposition" with the Supreme Judicial Court on 2/25/2022, see attached.

TABLE OF CONTENTS OF EXHIBITS

1/25/2022 complaint filed with MCAD	4
1/31/2022 petition filed with the SJC	6
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Signed under the pains and penalties of perjury.

February 25, 2022



Respectfully submitted,

/s/ Imre Kifor  
Imre Kifor, Pro Se  
32 Hickory Cliff Rd.  
Newton, MA 02464  
[ikifor@gmail.com](mailto:ikifor@gmail.com)

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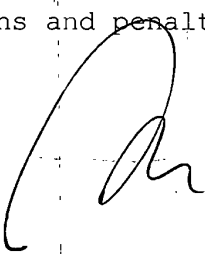
CERTIFICATE OF SERVICE

The undersigned hereby certifies that true copies of the above Plaintiff's Affidavit On Status was this day served upon Defendants by emailing same to Atty. Evelyn Tang (AGO) at [evelyn.tang@state.ma.us](mailto:evelyn.tang@state.ma.us).

Signed under the pains and penalties of perjury.

February 25, 2022

/s/ Imre Kifor  
Imre Kifor, Pro Se  
32 Hickory Cliff Rd.  
Newton, MA 02464  
[ikifor@gmail.com](mailto:ikifor@gmail.com)



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COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT  
CIVIL ACTION 2181CV00921

-----  
IMRE KIFOR, )  
Plaintiff )  
v. )  
THE COMMONWEALTH OF MASSACHUSETTS, )  
MIDDLESEX PROBATE & FAMILY COURT )  
Defendants )  
-----

**PLAINTIFF'S NOTICE OF MOTION TO EXPAND THE SCOPE AND PARTIES OF  
COMPLAINT AS PER ATTACHED DISCRIMINATION (MCAD) APPEAL**

PLEASE TAKE NOTICE that, pursuant to Superior Court Rule 9A, the Plaintiff, Imre Kifor, has served the Defendants with his "Motion To Expand The Scope And Parties Of Complaint As Per Attached Discrimination (MCAD) Appeal" invoking G.L.c. 249, § 4.

Signed under the pains and penalties of perjury.

March 13, 2022

Respectfully submitted,

/s/ Imre Kifor  
Imre Kifor, Pro Se  
32 Hickory Cliff Rd.  
Newton, MA 02464  
[ikifor@gmail.com](mailto:ikifor@gmail.com)

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that true copies of the above Notice And Motion To Expand The Scope And Parties Of Complaint As Per Attached Discrimination (MCAD) Appeal and exhibits were this day served upon Defendants by emailing same to:

Evelyn Y. Tang (for Middlesex Probate & Family Court)  
Assistant Attorney General  
One Ashburton Place  
Boston, MA 02108  
(617) 963-2905  
[evelyn.tang@mass.gov](mailto:evelyn.tang@mass.gov)

Michael G. Xavier (for Barbara A. Duchesne)  
One International Place, Suite 3700  
Boston, MA 02110  
BBO #644844  
(617) 456-8000  
[mxavier@princelobel.com](mailto:mxavier@princelobel.com)

Cynthia S. Oulton, Pro Se  
(617) 281-0753  
[cynoulton@gmail.com](mailto:cynoulton@gmail.com)

Signed under the pains and penalties of perjury.

March 13, 2022

/s/ Imre Kifor  
Imre Kifor, Pro Se  
32 Hickory Cliff Rd.  
Newton, MA 02464  
[ikifor@gmail.com](mailto:ikifor@gmail.com)

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December 20, 2021

**BY HAND DELIVERY**

Appeals Court Clerk's Office  
John Adams Courthouse  
One Pemberton Square, Suite 1200  
Boston, MA 02108

**Re: Barbara A. Duchesne v. Imre Kifor** and  
Appeals Court Docket No: 2021-P-0901

**Imre Kifor v. Barbara A. Duchesne & Another**  
Appeals Court Docket No: 2021-P-0503

Dear Sir/Madam:

On behalf of Ms. Barbara A. Duchesne, the Appellee in Appeals Dockets No. 2021-P-0901 and 2021-P-0503, please allow this letter to inform you that the Appellee does not plan to file a brief in either matter.

Please contact me should you have any questions.

Thank you.

Very truly yours,

*Michael Xavier*

Michael G. Xavier

Direct Dial: 617-456-8177  
Email: [mavier@princelobel.com](mailto:mavier@princelobel.com)

Enclosure

cc: Mr. Imre Kifor (by email)  
Ms. Cynthia S. Oulton (by email)



Imre Kifor &lt;ikifor@gmail.com&gt;

---

**2021-J-0606 - Notice of Docket Entry**

---

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

Tue, Jan 25, 2022 at 4:00 PM

-COMMONWEALTH OF MASSACHUSETTS

APPEALS COURT CLERK'S OFFICE

January 25, 2022

RE: No. 2021-J-0606  
Lower Ct. No.: MI07D3172DV1

BARBARA A. DUCHESNE  
vs.  
IMRE KIFOR

**NOTICE OF DOCKET ENTRY**

Please take note that on January 25, 2022, the following entry was made on the docket of the above-referenced case:

ORDER RE#9: As there is no right of appeal from the denial of a petition filed pursuant to G. L. c. 231, s 118 (first par.), petitioner's notice of appeal (paper #9) is struck. See *McMenimen v. Passatempo*, 452 Mass. 178 (2008); *Gibbs Ford, Inc. v. United Truck Leasing Corp.*, 399 Mass. 8, n.8 (1987); *Packaging Indus. Group, Inc. v. Cheney*, 380 Mass. 609, 614 (1980). (Sullivan, J.). Notice

REGISTRATION FOR ELECTRONIC FILING. Every attorney with an appeal pending in the Appeals Court must have an account with eFileMA.com. Registration with eFileMA.com constitutes consent to receive electronic notification from the Appeals Court and e-service of documents. Self-represented litigants are encouraged, but not required, to register for electronic filing.

ELECTRONIC FILING. Attorneys must e-file all non-impounded documents. Impounded documents and submissions by self-represented litigants may be e-filed. No paper original or copy of any e-filed document is required. Additional information is located on our Electronic Filing page: <http://www.mass.gov/courts/court-info/appealscourt/efiling-appeals-faq-gen.html>

FILING OF CONFIDENTIAL OR IMPOUNDED INFORMATION. Any document containing confidential or impounded material must be filed in compliance with Mass. R. App. P. 16(d), 16(m), 18(a)(1)(A)(iv), 18(d), and 21.

Very truly yours,

The Clerk's Office

Dated: January 25, 2022

To: MichaelGabrielXavier,EsquireImreKiforMiddlesexProbateandFamilyCt.

-----  
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.



Imre Kifor &lt;ikifor@gmail.com&gt;

---

**2021-J-0607 - Notice of Docket Entry**

---

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

Tue, Jan 25, 2022 at 4:00 PM

-COMMONWEALTH OF MASSACHUSETTS

APPEALS COURT CLERK'S OFFICE

January 25, 2022

RE: No. 2021-J-0607  
Lower Ct. No.: MI11W0787WD/MI11W1147WD

CYNTHIA S. OULTON  
vs.  
IMRE KIFOR

**NOTICE OF DOCKET ENTRY**

Please take note that on January 25, 2022, the following entry was made on the docket of the above-referenced case:

ORDER RE#10: As there is no right of appeal from the denial of a petition filed pursuant to G. L. c. 231, s 118 (first par.), petitioner's notice of appeal (paper #9) is struck. See *McMenimen v. Passatempo*, 452 Mass. 178 (2008); *Gibbs Ford, Inc. v. United Truck Leasing Corp.*, 399 Mass. 8, n.8 (1987); *Packaging Indus. Group, Inc. v. Cheney*, 380 Mass. 609, 614 (1980). (Sullivan, J.). Notice

REGISTRATION FOR ELECTRONIC FILING. Every attorney with an appeal pending in the Appeals Court must have an account with eFileMA.com. Registration with eFileMA.com constitutes consent to receive electronic notification from the Appeals Court and e-service of documents. Self-represented litigants are encouraged, but not required, to register for electronic filing.

ELECTRONIC FILING. Attorneys must e-file all non-impounded documents. Impounded documents and submissions by self-represented litigants may be e-filed. No paper original or copy of any e-filed document is required. Additional information is located on our Electronic Filing page: <http://www.mass.gov/courts/court-info/appealscourt/efiling-appeals-faq-gen.html>

FILING OF CONFIDENTIAL OR IMPOUNDED INFORMATION. Any document containing confidential or impounded material must be filed in compliance with Mass. R. App. P. 16(d), 16(m), 18(a)(1)(A)(iv), 18(d), and 21.

Very truly yours,

The Clerk's Office

Dated: January 25, 2022

To: ImreKiforCynthiaS.OultonMiddlesexProbateandFamilyCt.

-----  
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.

**SUPREME JUDICIAL COURT**  
**for Suffolk County**  
**Case Docket**

**IMRE KIFOR v. COMMONWEALTH, MIDDLESEX PROBATE &  
FAMILY COURT**  
**THIS CASE CONTAINS IMPOUNDED MATERIAL OR PID**  
**SJ-2022-0041**

**CASE HEADER**

<b>Case Status</b>	Active	<b>Status Date</b>	01/31/2022
<b>Nature</b>	Certiorari c 249 s 4	<b>Entry Date</b>	01/31/2022
<b>Sub-Nature</b>	Divorce/Probate/Custody	<b>Single Justice</b>	
<b>TC Ruling</b>		<b>TC Ruling Date</b>	
<b>SJ Ruling</b>		<b>TC Number</b>	
<b>Pet Role Below</b>		<b>Full Ct Number</b>	
<b>Lower Court</b>		<b>Lower Ct Judge</b>	

**INVOLVED PARTY**

**ATTORNEY APPEARANCE**

**Imre Kifor**

Pro Se Defendant/Petitioner

**Commonwealth**

Plaintiff/Respondent

**Middlesex Probate and Family Ct.**

Plaintiff/Respondent

**Barbara A. Duchesne**

Plaintiff/Respondent

**Cynthia S. Oulton**

Plaintiff/Respondent

**DOCKET ENTRIES**

<b>Entry Date</b>	<b>Paper</b>	<b>Entry Text</b>
01/31/2022		Case entered.
01/31/2022	#1	MOTION to Waive Entry Fee filed by Imre Kifor, pro se.
01/31/2022	#2	(IMPOUNDED) Affidavit of Indigency Request for Waiver, Substitution or State Payment Fees & Costs pursuant to G. L. c. 261, s. 27A-G, with attachments, filed by Imre Kifor, pro se.
01/31/2022	#3	Emergency Petition for Relief in the Nature of Certiorari Pursuant to G. L. c. 249, § 4, with Certificate of Service and Addendum, filed by Imre Kifor, pro se.
02/25/2022	#4	Imre Kifor's Affidavit on Receipt of No Opposition with Certificate of Service filed filed by Imre Kifor, pro se.

As of 03/07/2022 3:25pm

COMMONWEALTH OF MASSACHUSETTS

SUPREME JUDICIAL COURT

SUFFOLK, ss

No.

---

IMRE KIFOR,

Petitioner,

v.

THE COMMONWEALTH OF MASSACHUSETTS,

MIDDLESEX PROBATE AND FAMILY COURT,

BARBARA A. DUCHESNE,

CYNTHIA S. OULTON,

Respondents.

---

**Imre Kifor's Emergency Petition For Relief In The  
Nature Of Certiorari Pursuant To G.L.c. 249, § 4**

---

Date: 1/28/2022

Imre Kifor, Pro Se  
32 Hickory Cliff Rd.  
Newton, MA 02464  
[ikifor@gmail.com](mailto:ikifor@gmail.com)

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## **UNDERLYING CASES AND TABLE OF AUTHORITIES**

### **Underlying Cases:**

- MI07D3172DV1 from Middlesex Probate & Family Court
- MI11W0787WD / MI11W1147WD from Middlesex Probate & Family Court
- 2081CV00109 from Middlesex Superior Court
- 2021-P-0503, 2021-P-0901 and 2021-P-0902 from Appeals Court
- 2181CV00921 from Middlesex Superior Court
- DAR-28508, DAR-28518 and DAR-28519 (all denied)
- 2021-J-0606 and 2021-J-0607 from Appeals Court
- 22BPA00184 from MCAD

### **Referenced cases<sup>1</sup>:**

1. Lamoureux v. Supdt. Mass. Correctional Inst. Walpole, 390 Mass. 409 (Mass. 1983).
2. Carter v. Housing Authority, 450 Mass. 626 (Mass. 2008).
3. Boston Edison Co. v. Board of Selectmen of Concord, 355 Mass. 79 (Mass. 1968).

---

<sup>1</sup> Relevant quotations for each are attached in the Addendum.

4. Commissioner of Revenue v. Lawrence, 396 N.E.2d 992 (Mass. 1979).
5. Massachusetts Bay Transportation Authority v. Auditor, 430 Mass. 783 (Mass. 2000).
6. LaLonde v. Eissner, 405 Mass. 207 (Mass. 1989).
7. Chicopee Lions Club v. Dist. Atty for Hampden Dist, 396 Mass. 244 (Mass. 1985).
8. Johnson v. Commonwealth, 977 N.E.2d 541 (Mass. 2012).
9. Mireles v. Waco, 502 U.S. 9 (1991).
10. Stump v. Sparkman, 435 U.S. 349 (1978).
11. Mireles v. Waco, 502 U.S. 9 (1991).
12. Pulliam v. Allen, 466 U.S. 522 (1984).
13. Carey v. Piphus, 435 U.S. 247 (1978).
14. O'Brien v. DiGrazia, 544 F.2d 543 (1st Cir. 1976).
15. Jackson v. Birmingham Bd., 544 U.S. 167 (2005).
16. RCN-BecoCom, LLC v. Commissioner of Revenue, 443 Mass. 198 (Mass. 2005).
17. Commonwealth v. Hatch, 438 Mass. 618 (Mass. 2003).

18. Barrett Assoc., Inc. v. Aronson, 346 Mass. 150 (Mass. 1963).
19. Briggs v. Carol Cars, Inc., 407 Mass. 391 (Mass. 1990).
20. Brown v. Gerstein, 17 Mass. App. Ct. 558 (Mass. App. Ct. 1984).
21. J.A. Sullivan Corp. v. Commonwealth, 397 Mass. 789 494 N.E.2d 374 (1986).
22. In re Birchall, 454 Mass. 837 (Mass. 2009).
23. Adoption of Zoltan, 71 Mass. App. Ct. 185 (Mass.2008).
24. McHugh v. Commonwealth, 97 Mass. App. Ct. 1104 (Mass. App. Ct. 2020).
25. Judge Rotenberg Educ. v. Comm. of the Dep. of M. R, 424 Mass. 430 (Mass. 1997).
26. Bercume v. Bercume, 428 Mass. 635 (Mass. 1999).
27. Sax v. Sax, 53 Mass. App. Ct. 765 (Mass. App. Ct. 2002).
28. Furtado v. Furtado, 380 Mass. 137 (Mass. 1980).

29. Salvesen v. Salvesen, 370 Mass. 608 (Mass. 1976).
30. U.S. v. Smith, 278 F.3d 33 (1st Cir. 2002).
31. U.S. v. Williams, 121 F.3d 615 (11th Cir. 1997).
32. U.S. v. Ballek, 170 F.3d 871 (9th Cir. 1999).
33. Mullins v. Corcoran, SJ-13049.
34. Comey v. Hill, 387 Mass. 11 (Mass. 1982).
35. Pelican Production Corp. v. Marino, 893 F.2d 1143 (10th Cir. 1990).
36. Cummings v. General Motors Corporation, 365 F.3d 944 (10th Cir. 2004).
37. Johnson v. Modern Continental Constr, 49 Mass. App. Ct. 545 (Mass. App. Ct. 2000).
38. Trillium, Inc. v. Cheung, 11-P-727 (Mass. Feb. 21, 2012).
39. Commonwealth v. Randolph, 438 Mass. 290 (Mass. 2002).
40. Commonwealth v. Alphas, 430 Mass. 8 (Mass. 1999).
41. First National Bank of Boston v. Brink, 372 Mass. 257 (Mass. 1977).

42. Fay, Spofford & Thorndike, Inc. v. Massachusetts Port Authority, 7 Mass. App. Ct. 336 (Mass. App. Ct. 1979).
43. Kendall v. Selvaggio, 413 Mass. 619 (Mass. 1992).
44. Rockdale Management Co. v. Shawmut Bank, N.A., 418 Mass. 596 (Mass. 1994).
45. Park Corp. v. Lexington Ins. Co., 812 F.2d 894 (4th Cir. 1987).
46. Amoco Oil Co. v. U.S.E.P.A, 231 F.3d 694 (10th Cir. 2000).
47. Winthrop Corp. v. Lowenthal, 29 Mass. App. Ct. 180 (Mass. App. Ct. 1990).
48. Dawson v. Equity Investment Group, No. 2001517 (Mass. Cmmw. Aug. 11, 2006).
49. Cashman Equip. Corp. v. Penny, 19-P-1814 (Mass. App. Ct. Apr. 26, 2021).
50. Sahin v. Sahin, 435 Mass. 396 (Mass. 2001).
51. Parrell v. Keenan, 389 Mass. 809 (Mass. 1983).
52. Zurich North America v. Matrix Serv., Inc., 426 F.3d 1281 (10th Cir. 2005).

53. Yapp v. Excel Corp., 186 F.3d 1222 (10th Cir. 1999).

54. B.C. v. F.C., 59 N.E.3d 414 (Mass. App. Ct. 2016).

### **INTRODUCTION**

1. Pursuant to G.L.c. 249, § 4, the Petitioner, Imre Kifor, ("Father"), is seeking emergency relief in the nature of certiorari to correct errors in judicial proceedings by the Middlesex Probate And Family Court, ("Family Court"), which are not according to the course of the common law, and which proceedings are not otherwise reviewable by motion or by appeal.

2. The specific allegedly erroneous court proceedings started on 12/3/2021 in Family Court and are therefore properly within the 60 days time limit of the statute.

3. Father has two children with each Barbara Duchesne, ("Mother-B") and Cynthia Oulton, ("Mother-C"), from committed long-term and non-overlapping relationships.

4. Father is claiming that a systemic and sustained conspiracy to silence and to enslave him is behind the retaliatory actions by Family Court and the Mothers.

5. As he has exhausted all remedies available to him, Father is respectfully requesting this Court to quash the orders or, alternatively, to remand the entire case to "an appropriate forum" for a further hearing.



**REASONS G.L.c. 249, § 4 RELIEF IS APPROPRIATE**

6. "A civil action in the nature of certiorari... may be brought in the supreme judicial or superior court... The court may at any time... issue an injunction and order the record of proceedings... brought before it. The court may enter judgment quashing or affirming such proceedings or such other judgment as justice may require," G.L.c. 249, § 4.

7. Open controversies exists between Father and the Respondents and are the subject of a number of ongoing cases in Family, Middlesex Superior & Appeals Courts.

8. The defining claims of the alleged deliberate conspiracy have origins in the Family Court allowing the bitterly jealous and vindictive Mothers to collude to simultaneously target Father with false complaints<sup>2</sup>, based on documented child-predatory fraud, systemic existential defamation<sup>3</sup> and sustained discriminations<sup>4</sup>.

9. The Respondents' thus continued actions resulted in Father's depleted finances and his **forced indigency**

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<sup>2</sup> See complaints in MI07D3172DV1 & MI11W0787WD/MI11W1147WD.

<sup>3</sup> See complaint for defamation in 2081CV00109.

<sup>4</sup> See complaint filed with MCAD (22BPA00184) on 1/25/2022.

that started on 2/12/2018 when Family Court initiated a punitive crusade<sup>5</sup> against Father in response to his efforts to somehow seek relief. As Father had been alleging documented child-predatory "mental health" fraud, driven by open and ruthlessly discriminatory activism allowed in Family Court, Father was labelled "dangerous" and was silenced and sentenced to jail.

10. The ongoing fraud, defamation and discriminations allowed in Family Court through the now 20+ hearings have forced Father into an intractable indigency. His in-arrears child supports/expenses are at **\$250,000+**.

11. Father has been forcefully separated and isolated from his dear children since 2016. Family Court later allowed subornation of perjury on his children, only to then order Father to never contact them again.

12. Due to sadistic ulterior motives, the ambiguous orders failed to cover the cases when Father was only responding to his children, after they had contacted their father. All such retaliatory Family Court orders were meant to continually keep Father in contempt through malicious prosecutions and abuses of process.

---

<sup>5</sup> See complaint for civil rights violations in 2181CV00921.

**"NOT OTHERWISE REVIEWABLE BY MOTION OR BY APPEAL"**

13. Specifically, Family Court has routinely acted on "evidence" brought by Mothers from their "other case," while flatly denying Father's due process rights when he had attempted to question the mere validity of any such decisive parallel (but also fraudulent) "facts."

14. Family Court's explanations for denying Father's defensive responses have always been a "nothing to do with this case" / "I don't care about the other case."

15. The non-financial aspects of the parallel Family Court cases are under appeal<sup>6</sup> (and now fully briefed).

16. Therefore, this petition is not directly about any non-financial (and thus appealed) aspect of the cases.

17. While the appeals dockets are "paired," no viable standard of review cited by Father (e.g. "de novo," "clearly erroneous," "arbitrary/capricious," or "abuse of discretion") can include any conspiracies, as such claims, from the "other case," were never permitted.

18. Even if the above appeals reviews disregarded all inherent evidence of conspiracy, the damages from the

---

<sup>6</sup> See briefed parallel appeals 21-P-901 and 21-P-902.

alleged systemic and sustained fraud-on-the-court, and therefore the relief sought by Father, are ultimately financial in nature, thus rendering this, or similar ongoing petitions, his future existential necessities.

19. Despite Father's efforts to appeal all aspects of the underlying cases, critical (i.e. financial) facets of the cases have continued in Family Court<sup>7</sup>, including the preclusion of Father ever referring at all to the "other case." As conspiracy still cannot be originally claimed, therefore it might not be reviewed either.

20. Father's overall efforts to appeal any colluding parallel Family Court cases, including interlocutory appeals of just issued orders<sup>8</sup>, are thereby limited, despite the simultaneousness or "pairing" of appeals.

21. To review inherent conspiracies between parallel Family Court cases that are under appeal, a cause of action and original jurisdiction for appellate review is also needed (in addition to G.L.c. 249, § 4). Only this Supreme Judicial Court has such jurisdiction<sup>9</sup>.

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<sup>7</sup> See parallel motions to stay denied on 12/7/2021.

<sup>8</sup> See denied interlocutory appeals 21-J-606 & 21-J-607.

<sup>9</sup> See motion for third amended complaint re: G.L.c. 249, § 4 filed in Superior Court (2181CV00921) on 1/14/2022.

22. The first relevant financial retaliation of the conspiracy against Father occurred on 10/21/2019 when he was sentenced to two weeks of jail for having been forcedly indigent in one case, with even his driver's license suspended by Family Court in the other case.

**COLLUSION TO DEFAME PREMATURELY DISMISSED**

23. As Father was precluded from making any claims in Family Court about the Mothers' documented deliberate collusion and conspiracy against him, despite Family Court finally (but silently) allowing his indigency on 11/12/2019, Father filed his timely complaint<sup>10</sup> against them in Superior Court on 1/12/2020 (within 60 days).

24. The Pro Se Father explicitly referred to Mothers' deliberate collusion to defraud, defame & discriminate against him, both inside and outside of the privileged confines of Family Court's any judicial proceedings.

25. Despite his explicit preclusion in Family Court of any references to Mothers' collusions, thus rendering them "not reviewable by motion or by appeal," Father was nonetheless unfairly dismissed<sup>11</sup> in Superior Court.

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<sup>10</sup> See complaint for defamation in 2081CV00109.

<sup>11</sup> See the also paired and briefed appeal 21-P-503.

26. Father had hoped to properly document the allowed conspiracies by Mothers in Family Court through the so requested transcripts of all Family Court hearings.

27. Without any transcripts of Family Court hearings, however, Father could not make concrete claims of collusion and conspiracy pursuant to G.L.c. 249, § 4.

28. Accordingly, in advance of filing his complaint in Superior Court, Father attempted to appeal the Family Court decisions, filing his first notice on 7/1/2019.

#### **RIGHT TO APPEAL SYSTEMICALLY SABOTAGED**

29. Since then Father has properly and timely filed 11 notices of appeals with Family Court. Father's notices of appeals had been ignored for 2+ years until finally Family Court assembled the records on 10/6/2021.

30. Father's many affidavits of indigency, requesting waivers for the costs of 17 hearing transcripts, was allowed only on 8/12/2021, despite other courts having accepted Father's indigency on 20+ prior occasions.

31. Verifying Family Court's ongoing neglect for Father's repeated notices of appeals and his requests for "tapes," the Appeals Court noted on 3/9/2021:

- *"on-line dockets for the [Family Court] cases cited in the heading of the defendant's motion do not reflect any prior assembly of the record or [...] that a notice of appeal was filed in either matter,"*
- *"another case involving this defendant, does reflect three notices of appeal filed by the defendant. However, in that case, the record does not reflect whether the defendant has ordered the transcripts necessary for his appeal, whether the transcripts were filed with the Probate and Family Court."*

32. Father duly filed his complaint<sup>12</sup> for civil rights violations on 4/24/2021, within 60 days of the note.

33. Without Father's thus timely filed complaint in Superior Court, the sustained and systemic "errors in proceedings" would never have been "reviewable by motion or by appeal," just as Family Court had long conspired to attempt in violation of G.L.c. 215, § 9.

34. Specifically, without Father's implicitly "in the nature of certiorari" complaint, the ultimately proper docketing of his appeals<sup>13</sup> would have been impossible.

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<sup>12</sup> See the now twice amended complaint in 2181CV00921.

<sup>13</sup> See the paired 21-P-503, 21-P-901 and 21-P-902 appeals.

35. Responding to his complaint, Family Court served Father with the logs of their "secret" docket entries.

36. Analyzing these allowed Father to file subsequent affidavits in Appeals Court on 9/20/2021, stating that

- "[Father] has now also substantiated his claims that the lower Family Court's docket records are deliberately maintained in faulty, biased, and incomplete states with malicious, fraudulent, and child-abusive motives."

37. Father has appealed<sup>14</sup> the single justice denials to preserve these deceptions through his court actions.

38. Father emphasized in his docketing affidavit that

- "Father reasserts that subsequent actions based on presumptions of 'truthful' docket records constitutes material proof of Family Court's deliberate **defrauding** of [the] Appeals Court, while also clearly sabotaging Father's right to appeal, pursuant to G.L.c. 215, §9."

39. In his filed Appellant's Briefs, Father further substantiated the documented fraud-on-the-court scheme

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<sup>14</sup> See the consolidated and paired 21-P-825 appeal.



metastasizing with impunity from the Family Court to now the Superior and the Appeals Courts as well.

#### **SUSTAINED DISCRIMINATIONS AND RETALIATIONS**

40. Father's follow-up filings and his now submitted 9 volumes of appeals appendices substantiate Father's allegations of having been deliberately discriminated against based on color, sex and also national origin.

41. To forcefully silence Father's thus whistleblower complaints about allowed and documented deeply child-predatory abuses, Family Court has become his *de facto* employer, as Family Court had directly and punitively controlled **all** aspects of Father's work and existence.

42. Family Court openly prioritizes drawing down at the "highest possible rate of reimbursement" from the federal Child Support Enforcement Program (CSE).

43. Maximum child support orders can only be attained by forcefully and perpetually separating children from their "nonresident parent." Family Court has done just that to Father's children for thus maximum "profits."

44. Through discriminations based on color, sex, and national origin, and by purposely violating Father's

free speech, equal protection and due process rights, Family Court a) deliberately allowed the fabrication of infantile, dogmatic and forever intractable "high conflicts" within the protected judicial processes, b) forcefully silenced Father's claims and evidences for colluded "out-of-court" malicious defamations and conspiring sexual harassments, c) sadistically and fully denied all Father's contacts with his children based on now documented and purposeful subornations of perjury on children by an ARC, d) retaliated against Father's complaints for discrimination & civil rights violations by sentencing him to jail, despite Father's filed affidavits of indigency, e) interfered with his employment via systemic "mental health" defamations and sustained "toxic masculinity" discriminations, f) aided & abetted stereotypical discriminations against Father by refusing Father's "free speech" right for petitioning the government to investigate deliberate fraud, g) blatantly discriminated against an induced-handicapped person by refusing access to the court, and h) issued a retaliatory capias against an already indigent and malignly labeled as "Romanian" immigrant.

45. Father's follow-up filings and his now submitted 9 volumes of appeals appendices substantiate Father's allegations that Family Court systemically violated his free speech, equal protection and due process rights in order to cover up routine discriminations and also now documented fraud-on-the-court schemes.

46. Family Court has effectively turned Father into a muzzled "slave," with no rights afforded, nor any compensation for work completed, while also maximizing their child-predatory profits from federal resources through the now documented falsified docket records.

47. Through hundreds of emails, Father has documented that fraudulently ordered 500+ supervised visitations with his 4 children were systemically discriminating and sexually harassing to him, by coercing Father to endlessly take his children to the movies (where he could not nurture his connection with his children), while in the dark theaters the "activist feminist" monitors then forcefully separated Father from his daughter by baselessly insinuating "protection," and then explaining to Father "I needed to protect YOU."

48. The court-enforced (but fraudulently initiated) supervised visitations consistently targeted Father's bonds with his two young daughters by relentlessly cancelling and fabricating endless obstacles. Family Court then systemically denied Father's written and spoken requests for investigations and reparations.

49. Due to apparent ulterior motives, Family Court's orders have been consistently ambiguous. During one hearing Father was ordered to get a "minimum wage" job (without even a driver's license) and then, during the next, he had to suddenly get at least \$100,000+ salary (to now justify the prior "fixed" support orders).

50. As a proof of ulterior motives, the allowed "not having even a \$100" indigent Father was sentenced to jail but "A person judged in civil contempt may not be sentenced to prison for failure to pay a compensatory sum of money if he shows that he is unable to comply." Salvesen v. Salvesen, 370 Mass. 608 (Mass. 1976).

51. As a **sadistic retaliation** against Father, Family Court deceptively ordered him to never contact his children based on fabrications, i.e. now documented

subornation of perjury on his children by the "elite," purpose-appointed and ruthlessly conspiring attorneys.

#### **CONSPIRACY TO SILENCE AND TO ENSLAVE**

52. Family Court leveraged the two parallel cases to either force Father into involuntary servitude (by ordering him to seek jobs that would not support him in the future) or sentence Father with no intentions to address any of the causes of his forced indigency.

53. Specifically, Family Court suspended his driver's license **while** ordering him to get "minimum wage" jobs.

54. Being unable to pay any child supports, Father proved to be a trivial target to silence with jail sentences. As paying only "some" portion of the in-arrears supports is required, no payment at all was a proof by itself of therefore diverted, i.e. controlled moneys (with Father still present at the hearings).

55. Specifically, while owing \$110,000+ in supports on 10/21/2019, the forcedly indigent Father was sentenced to jail as he had "diverted" ~\$10 for the train ride.

56. Understanding that a layman Father had no chance to stay afloat legally (never mind any successes with

complex appeals), Family Court had no needs to respect Father's constitutional rights. His "incogent" filings were easy to ignore, delay, deny or dismiss for years, and the "in-person" contempt hearings scheduled for 12/3 and 6/2021 were staged with the purpose to muzzle Father at last with endlessly renewed jail sentences.

57. It was clear that being physically present in one of the hearings would render Father guilty of contempt in the other, by unambiguously "diverting" moneys. As Father had no ability to transport himself to court without assistance, Family Court predictably had to issue a capias for the thus forcedly indigent Father.

58. By having unconditional respect for all courts' orders, Father complied with the 12/6/2021 zoom order nonetheless, and started applying for 10 jobs/week.

59. Apparently the conspiracy scheme to silence Father with jail sentences (for non-payment of child supports in civil contempts) had to be "saved." On 12/13/2021 Family Court revised the 12/6/2021 order to compel and to trap Father with weekly mandatory meetings in court for proofs of job applications, an unnecessary hurdle.

60. Physically meeting with the probation officer (to avoid a since threatened criminal contempt) in the already decided case would have rendered Father guilty for civil contempt in the still pending case (with the capias waiting), guaranteeing silencing jail sentences for him, and also necessarily failed appeals outcomes.

61. A fully isolated, i.e. under implied house arrest, layman Father had been forced to face Family Court's "elite sicarios," the million-dollar partner/lawyers of the nation's "Best Law Firms." Based on sadistic ulterior motives, that cannot be appealed, the Family Court's deliberately ambiguous orders (relentlessly and frivolously exploited by these elite sicarios) were meant to trap & keep Father in contempt of court.

62. A thus successfully executed conspiracy would have rendered Father guilty of civil contempt. And with him sentenced and silenced, Father's paired appeals would have become meaningless. Therefore, Father's appeals were safely left without any responses on 12/20/2021.

63. Having no ability to transport himself without assistance, the indigent Father was facing criminal contempt and 6 months of jail time for a mere ~\$100 of

personal transportation money. The "slavery" (13th) amendment rightfully does not apply in child support enforcement cases. Under the threat of incarceration, however, that vital ~\$100 was **not** child support.

64. Somehow having \$100 for personal transportation, only to meet a probation officer, would have rendered the proven (as finally both cases were decided by the same judge) long-term conspiracy successful, with Father sentenced for civil contempt in the pending case. Understandably, nobody in Father's token circle of support volunteered even \$1 for his transportation.

65. Father has documented a child-predatory ulterior motive: "federal reimbursements re: child support enforcements must be claimed at the highest rate," and any revisions to the Family Court's hence documented falsified records would then result in penalties.

66. Father's any gainful employment was also excluded by the prospect of an immediate jail sentence, due to Family Court's herein demonstrated plain objective to forcefully silence a vocal whistleblower by all means.

67. No employer seems to be willing to entertain full-time job offers to a forcedly indigent Father (with a



discrimination-induced handicap prohibiting physical transportation) when his wages would be immediately garnished at 75%+ by multiple child support orders, and therefore without CCPA (Title III) protections.

68. As per those orders and threats by Family Court, Father could only escape a criminal contempt & certain silencing jail sentence by submitting himself to **"involuntary servitude."** However, as soon as Father became such a slave, he would have faced a certain jail sentence for civil contempt of his non-payment of some portion of now \$250K+ in-arrears child supports.

69. Father has attempted to duly appeal<sup>15</sup> the parallel contempt orders. After waiting for a reconsideration by Family Court, the individual interlocutory appeals have been denied, as it was not possible to "review by motion or by appeal" the herein presented *a priori* conspiracy between the two parallel contempt actions.

#### **MALICIOUS PROSECUTION & ABUSE OF PROCESS**

70. Father's forced and thus intractable indigency is exploited ad infinitum in Family Court through endless contempt actions derived from **ambiguous court orders.**

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<sup>15</sup> See interlocutory appeals 21-J-606 and 21-J-607.

71. Only such orders can conceal the allowed activist fraud and stereotypical discriminations at the core of the matters. Specifically, Father has now documented 1,200+ contradictions and inconsistencies between the original judgments' reporting of identical "facts."

72. Family Court then purposely delayed these contempt actions, while also sabotaging their intended appeals, to apparently interfere with the appeals processes.

73. As attached, Father has properly responded to the complaints for contempts, ultimately scheduled to be heard in parallel in Family Court on 12/3 and 6/2021.

74. While Father claims and proves that he cannot be guilty of contempt because of a) his innate inability to comply/pay, and b) the Family Court's deliberately ambiguous orders, he was fearful of being once again punitively silenced and unjustly sentenced to jail by Family Court, just as it had happened on 10/21/2019.

75. The Appeals Court has denied Father's motions to stay (pending the appeals) of the contempt actions, and Family Court then immediately issued new parallel orders now threatening Father with criminal contempt.

76. Consistently ignoring Father's filed affidavits of indigency, Family Court has thus initiated a new wave of malicious prosecutions & abuses of process against Father by: a) issuing a secret capias for Father, and b) knowingly forcing Father into criminal contempt.

77. Immediately incarcerating the intractably indigent Father, specifically for his inability to physically get to the lower court without assistance, serves one purpose only: to effectively silence a whistleblower.

78. Father's conditionally accepted indigency by Family Court on 8/12/2021 could not change his forced and therefore existentially intractable circumstances.

79. Father still has no driver's license, he still has no cash, no car, nor any assets, no insurances of any kind, and he continues to be forcefully kept under house arrest, rendering him unable to "earn a living."

80. Specifically, since all of Father's meticulously filed affidavits of indigency have been consistently ignored for years now, and the thus official neglect has now developed into Father's innate inability to physically move around, e.g. to somehow get to a court without assistance, Family Court's deliberate new

insistence to hence forcefully induce an otherwise involuntary "criminal contempt" would only result in Father's immediate and irreparable harm and injustice, without having any noticeable effect on other parties.

81. While Father's two separate interlocutory appeals have been denied, as conspiracy-based decisions could not be referenced, Family Court nevertheless relaxed and parallelized the 12/13/2021 order on 1/12/2022.

82. The controversy of Father's "forced indigency" has not been addressed, however, as Family Court appears to maintain that he had been in possession of never proven "hidden" resources and had to be silenced about his allegations of fraud defamation & discriminations.

83. The theory was applied on 1/21/2022 when Father was arrested by the Sheriff at 6am, forcefully brought to Family Court and **paraded in handcuffs** until 1pm, when after a short hearing, Father was simply let go.

84. The only repeated allegations brought up against Father were the false conjecture that he had somehow selfishly controlled a "girlfriend" for exploitation.

85. While Father is still receiving food and shelter, his days are spent in complete isolation under implied house arrest, with no chance of any "liberties" nor "enjoyment of life," indicative of any relationships.

86. Father has vigorously maintained in the various courts that he was ready, eager, willing, skilled and capable to earn an income and to support his children.

87. Father has continually and verifiably published his open-source "free" software as a testament of his efforts and commitment to work and to stay productive.

88. The ordered (and sustained) 10 applications per week for "full time" jobs are purposely unrealistic, with the clear ulterior motive of sentencing Father.

89. Blindly "blanketing" the job market with forced, i.e. irrelevant, applications (~150 by the scheduled hearing on 5/6/2022) will **destroy** a desperate Father's chances, as no serious professional would ever do so.

#### **FACTUAL BACKGROUND**

90. Father had been complaining to Family Court about allowed fraud, defamation and discriminations years before his first order for child supports in 2011.

91. From then to 2018, when Father once again sought relief, he never missed nor was ever late with any of his ordered ~\$5,000/month payments for his children.

92. Father is a political immigrant from Romania, admitted in 1986 specifically for him not being "Romanian." Due to the nationally televised "Romanian Orphans" tragedy and anti-Romanian feminist activism, Family Court conveniently labeled him a "Romanian" and allowed QAnon-style fabrications of Father to persist.

93. Had Father's national origin been anything else, such discriminations could not have existed. Had he not been an "ignorant immigrant," Family Court's "protections" from malicious scare tactics, i.e. "he was a flight risks," could not have been possible.

94. To escalate the profitable conflict even more, Family Court allowed a "high-conflict" expert, and notoriously cruel 400 times GAL Harvard psychologist, Dr. Robin Deutsch, Ph.D. to be brought in to custom create infantile and dogmatic crude narratives like:

- *"[Daughter] is afraid the Father will 'put suction cups on her feet and take her out the window,' and*

*[Boy] is afraid Father would 'put him in boiling water' if he went back in the Father care."*

95. Father's attempts to appeal any of Family Court's chained decisions have been deliberately sabotaged for 2+ years to effectively obstruct from the contents of the recently revealed 17 court hearing transcripts.

96. Father brought his complaint against Family Court in Superior Court on 4/24/2021 due to ongoing fraud, discriminations and violations of his civil rights.

97. As a result of Father's complaint, Father was able to finally docket and pair his three separate appeals.

98. Father's timely applications<sup>16</sup> for direct appellate reviews (DAR) in this Court were nevertheless denied.

99. Moreover, Father filed a motion on 1/14/2022 to amend his original complaint for the third time now based on Family Court's renewed punitive actions.

100. Specifically, Father's 11/23/2021 motion for a hearing in Family Court via zoom was denied due to "the Plaintiff has NOT assented to a virtual hearing."

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<sup>16</sup> See DAR-28508, DAR-28518 and DAR-28519.

101. With no relief granted by Family Court, Father's only choice is to continue his implied house arrest.

102. The forcedly indigent Father has relentlessly communicated with Family Court about his inability to physically transport himself without assistance.

103. The probation officer emailed on 12/21/2021 *"if you do not comply with the current order [to meet with me] I will have to file a criminal contempt and the sanction is up to 6 months of incarceration."*

104. On 1/21/2022 Father was arrested by the Sheriff at 6am, forcefully brought to Family Court and then paraded in handcuffs until 1pm, when after a short hearing, Father was let go without any orders.

#### **BASES FOR RELIEF**

105. As the Family Court's recent (within the last 60 days) parallel orders substantiate and prove Father's documented "Conspiracy To Silence And To Enslave" theory, Father reiterates that this Supreme Judicial Court has original jurisdiction over any such claims of collusion and conspiracy to violate civil rights.



106. Pursuant to G.L.c. 249, § 4, this Court also has original "in the nature of certiorari" jurisdiction, and Father a direct cause of action, to hereby extend his prior complaint, duly filed in Middlesex Superior Court, with the above "Conspiracy To Silence And To Enslave" (in violations of constitutional rights).

107. Father now alleges that the Respondents have been deliberately conspiring behind the current arrest and "sentencing" events to further silence Father and to violate his constitutional rights, now also including the "Slavery Amendment" to the US Constitution.

108. Pursuant to G.L.c. 249, § 4, this Court has jurisdiction over herein claims as Family Court has a) repeatedly denied Father's Rule 60 motions for relief without any explanations, and b) has deliberately sabotaged all his attempts to appeal the decisions.

109. Family Court's sustained & systemic actions (to deliberately prevent their indigency inducing punitive decisions from being "otherwise reviewable by motion or by appeal") could not have been "taken in [Family Court's] judicial capacity" and have been taken "in the complete absence of all [appellate] jurisdiction."

110. As judicial immunity is overcome in only these two sets of circumstances, Father's claims cannot be barred by the doctrine of judicial immunity as they simultaneously satisfy both. This Supreme Judicial Court has jurisdiction to review such allegations.

111. Father has alleged and documented sustained and systemic stereotypical discriminations by Respondents, including interferences, aiding and abetting, associational discriminations, etc., and retaliations for all the above, a plain discrimination in itself.

112. While Father has had a *de facto* full-time position in his own company (that has been reliably and properly paying payroll and all ordered insurances for years), Family Court deliberately and specifically denied Father the option to continue with that 30+ year "tradition" in the 12/13/2021 "seek work" order.

113. As a final retaliation (to induce a threatened criminal contempt and ~6 months of jail sentence), Family Court ordered such interlocking punitive conditions for Father's "seek work" efforts that Father could not engage in any gainful employment.

114. Family Court has therefore become Father's not just "de facto employer" (as per his "Implied Coerced Labor Context" subsection on page 66 of Father's Memorandum Of Law submitted in the Superior Court on 12/2/2021), but also his "slave master" as per:

- *"When the master can compel and the laborer cannot escape the obligation to go on, there is no power below to redress and no incentive above to relieve a harsh overlordship or unwholesome conditions of work."* Pollock v. Williams, 322 U.S. 4, 18 (1944).

115. More specifically, "What is peonage?":

- *"It may be defined as a status or condition of compulsory service, based upon the indebtedness of the peon to the master. The basal fact is indebtedness."* Clyatt v. U.S., 197 U.S. 207 (1905).

116. The malicious prosecutions and abuses of process deliberately and systemically unleashed by the Respondents had a well documented purpose: to silence a whistleblower Father about allowed child-predatory fraud, defamation & stereotypical discriminations.

117. This Supreme Judicial Court has the original and appellate jurisdictions to duly decide these matters.

#### **CONCLUSION**

118. Father is claiming that a systemic and sustained conspiracy to silence and to enslave him is behind the retaliatory actions by Family Court and the Mothers.

119. As substantial injury & injustice incurred during Father's years-long forced indigency, such conspiracy also constitutes Father's deprivation of liberty based on serious damage to his standing in the community.

120. Father has specifically asserted sufficient facts which support his claim that he may be foreclosed from a "range of opportunities" for employment or income.

121. Pursuant to Mass. R. Civ. P. 8(a), Father has repeatedly claimed that Family Court had violated his civil rights and had discriminated against him based on color, sex, national origin and induced handicap.

122. Father has requested a third amended complaint in Superior Court to extend his complaint to aspects of alleged and now documented collusions & conspiracies

(to violate constitutional rights) by Family Court,  
via leveraging the parallel cases against each other.

123. Father has requested Family Court to declare him  
"not guilty" and to dismiss Mothers' latest frivolous  
complaints for contempt as Father has consistently and  
materially provided proofs of a) his inability to  
comply with any orders re: any payments or monetary  
fees, and b) the orders being deliberately ambiguous,  
due to ulterior motives, and designed to forcefully  
separate children from their "nonresident parent."

124. As Father has exhausted all remedies available,  
he is respectfully requesting this Court to quash the  
orders or, alternatively, to remand the entire case to  
"an appropriate forum" for possible further hearings.

**REQUESTED RELIEF**

Father respectfully requests that this Court:

A. Accept this Emergency Petition. Father respectfully  
requests a hearing and expedited treatment.

B. Issue an injunction against the Respondents to stop  
from continuing their allegedly systemic and sustained

discriminatory and retaliatory actions against Father, specifically regarding his income generating capacity.

C. Issue appropriate relief by informing and directing the upcoming "paired" appeals reviews to consider the ample evidence inherent in the record of collusion and conspiracy by Respondents to commit fraud, defamation and stereotypical discriminations against Father.

D. Stay all Family Court proceedings and all orders issued since 12/3/2021. The orders have attempted to preemptively prejudge Father's forced indigency and induced inability to physically move around without assistance, by themselves causal consequences in Father's pending and now fully briefed paired appeals.

E. Grant Father relief from Family Court's orders and judgments by applying Mass. R.Civ.P. 60(b)(3) and (6) independently to a) the still recent fraud chain, and b) a systemic fraud-on-the-court scheme, respectively, as documented in Father's now fully briefed appeals.

F. Order any other relief this Court deems just.

Signed under the pains and penalties of perjury.

January 28, 2022

Respectfully submitted,

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I have no phone

I have no valid driver's license

I no longer have a stable physical address

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that true copies of the above Emergency Petition For Relief In The Nature Of Certiorari Pursuant To G.L.c. 249, § 4 was this day served upon Respondents by emailing same to:

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Signed under the pains and penalties of perjury.

January 30, 2022

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I have no phone  
I have no valid driver's license  
I no longer have a stable physical address



**ADDENDUM**

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**Relevant Quotes of Referenced Cases:**

1. "A ... pro se document is held to a less stringent standard than pleadings drafted by an attorney and is to be liberally construed." Lamoureux v. Supdt. Mass. Correctional Inst. Walpole, 390 Mass. 409 (Mass.1983).
  
2. "This court has recognized that self-represented litigants must be provided 'the opportunity to meaningfully present their cases'." Carter v. Housing Authority, 450 Mass. 626 (Mass. 2008).
  
3. "The requisite elements for availability of certiorari are (1) a judicial or quasi judicial proceeding; (2) a lack of all other reasonably adequate remedies; and (3) a substantial injury or injustice arising from the proceeding under

review." Boston Edison Co. v. Board of Selectmen of Concord, 355 Mass. 79, 83 (Mass. 1968).

4. "Certiorari lies only where the petitioner has exhausted his administrative remedies." Boston Edison Co. v. Board of Selectmen of Concord, 355 Mass. 79, 84 (Mass. 1968).

5. "The court will review on certiorari only errors of law." Boston Edison Co. v. Board of Selectmen of Concord, 355 Mass. 79, 87 (Mass. 1968).

6. "In an action in the nature of certiorari brought under G.L.c. 249, § 4, we will correct only 'substantial errors of law apparent on the record adversely affecting material rights.' *Commissioners of Civil Serv. v. Municipal Court of the City of Boston.*" Commissioner of Revenue v. Lawrence, 396 N.E.2d 992 (Mass. 1979).

7. "In an action in the nature of certiorari brought under G.L.c. 249, § 4, '[a] court will correct only a substantial error of law, evidenced by the record, which adversely affects a material right of the plaintiff... In its review, the court may rectify only those errors of law which have resulted in manifest

injustice to the plaintiff or which have adversely affected the real interests of the general public'. *Carney v. Springfield.*" Massachusetts Bay Transportation Authority v. Auditor, 430 Mass. 783 (Mass. 2000).

8. "If the plaintiffs believed that the... order was erroneously entered, they were free to seek appellate review... Accordingly, we conclude that persons appointed to perform essential judicial functions are entitled to absolute immunity." LaLonde v. Eissner, 405 Mass. 207, 213 (Mass. 1989).

9. "One of the primary purposes of absolute immunity is to spare public officials the burden of having to defend their official actions in a civil lawsuit." Chicopee Lions Club v. Dist. Atty for Hampden Dist, 396 Mass. 244, 253 (Mass. 1985).

10. "To the extent that the petitioner seeks monetary damages under 42 U.S.C. § 1983, a judge is absolutely immune unless the actions giving rise to the suit were 'not taken in the judge's judicial capacity,' or taken 'in the complete absence of all jurisdiction.' *Mireles*

v. Waco" Johnson v. Commonwealth, 977 N.E.2d 541, 544 (Mass. 2012).

11. "Immunity is overcome in only two sets of circumstances. First, a judge is not immune from liability for nonjudicial actions, i.e., actions not taken in the judge's judicial capacity. Second, a judge is not immune for actions, though judicial in nature, taken in the complete absence of all jurisdiction." Mireles v. Waco, 502 U.S. 9, 11-12 (1991).

12. "The relevant cases demonstrate that the factors determining whether an act by a judge is a 'judicial' one relate to the nature of the act itself, i.e., whether it is a function normally performed by a judge, and to the expectations of the parties, i.e., whether they dealt with the judge in his judicial capacity." Stump v. Sparkman, 435 U.S. 349, 362 (1978)

13. "A judge will not be deprived of immunity because the action he took was in error, was done maliciously, or was in excess of his authority, but rather he will be subject to liability only when he has acted in the

'clear absence of all jurisdiction,' *Bradley v. Fisher*." *Stump v. Sparkman*, 435 U.S. 349 (1978).

14. "The Court, however, has recognized that a judge is not absolutely immune from... suit for prospective injunctive relief, *Pulliam v. Allen*." *Mireles v. Waco*, 502 U.S. 9, 10 n.1 (1991).

15. "We conclude that judicial immunity is not a bar to prospective injunctive relief against a judicial officer acting in her judicial capacity." *Pulliam v. Allen*, 466 U.S. 522, 541-42 (1984).

16. "Procedural due process rules are meant to protect persons not from the deprivation, but from the mistaken or unjustified deprivation of life, liberty, or property." *Carey v. Piphus*, 435 U.S. 247, 259 (1978)

17. "Claims of [bias] must overcome a presumption that state administrators are fair and honest: the court must be convinced of a 'risk of actual bias.' *Withrow v. Larkin*." *O'Brien v. DiGrazia*, 544 F.2d 543, 547 (1st Cir. 1976).

18. "A complaint should not be dismissed 'unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief.' *Conley v. Gibson*." O'Brien v. DiGrazia, 544 F.2d 543, 546 n.3 (1st Cir. 1976).

19. "Retaliation is, by definition, an intentional act. It is a form of 'discrimination' because the complainant is subjected to differential treatment." Jackson v. Birmingham Bd., 544 U.S. 167, 168 (2005).

20. "Substantial evidence is 'such evidence as a reasonable mind might accept as adequate to support a conclusion.' G.L.c. 30A, § 1(6). *Boston Edison Co. v. Selectmen of Concord*." RCN-BecoCom, LLC v. Commissioner of Revenue, 443 Mass. 198, 204 (Mass. 2005).

21. "The substantial evidence standard requires a judge to decide 'whether experience permits the reasoning mind to make the finding [of guilt]... whether the finding [of guilt] could have been made by reference to the logic of experience.' *Boston Edison*

*Co. v. Selectmen of Concord.*" Commonwealth v. Hatch,  
438 Mass. 618, 623 (Mass. 2003).

22. "The judge's determination must be made 'upon  
consideration of the **entire** record' (emphasis added).  
*Cohen v. Board of Registration Pharmacy.*" Commonwealth  
v. Hatch, 438 Mass. 618, 623 (Mass. 2003).

23. "To recover [from] intentional fraudulent conduct  
of which the plaintiff complains, he must allege and  
prove that the defendant made a false representation  
of a material fact with knowledge of its falsity for  
the purpose of inducing the plaintiff to act thereon,  
and that the plaintiff relied upon the representation  
as true and acted upon it to his damage." Barrett  
Assoc., Inc. v. Aronson, 346 Mass. 150 (Mass. 1963).

24. "Fraud or deceit 'may be perpetrated by an implied  
as well as by an express representation.'" Briggs v.  
Carol Cars, Inc., 407 Mass. 391 (Mass. 1990).

25. "'Fraud or deceit is no more a necessary incident  
to the rendition of legal services than dishonesty is  
to any other profession. The avoidance of fraudulent  
conduct requires no special skill or knowledge, but  
only basic precepts of honesty and integrity. When



committed by an attorney, the tort of fraud or deceit is determined by essentially the same rules that apply to any defendant, regardless of whether he is a professional.'" Brown v. Gerstein, 17 Mass. App. Ct. 558 (Mass. App. Ct. 1984).

26. "A finding is 'clearly erroneous' when although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed." J.A. Sullivan Corp. v. Commonwealth, 397 Mass. 789, 792, 494 N.E.2d 374 (1986).

27. "We require that a civil contempt finding be supported by clear and convincing evidence of disobedience of a clear and unequivocal command." In re Birchall, 454 Mass. 837, 838-39 (Mass. 2009).

28. "In order to be clear and convincing, the 'evidence must be sufficient to convey a high degree of probability that the proposition is true... The requisite proof must be strong and positive; it must be full, clear and decisive.' *Adoption of Rhona*." Adoption of Zoltan, 71 Mass. App. Ct. 185 (Mass.2008).

29. "The elements of economic duress are as follows:

'(1) that one side involuntarily accepted the terms of another; (2) that circumstances permitted no other alternative; and (3) that said circumstances were the result of coercive acts of the opposite party'. *Cabot Corp. v. AVX Corp.*" McHugh v. Commonwealth, 97 Mass. App. Ct. 1104 (Mass. App. Ct. 2020).

30. "Where the order is ambiguous or the disobedience is doubtful, there cannot be a finding of contempt." Judge Rotenberg Educ. v. Comm. of the Dep. of M. R, 424 Mass. 430, 443 (Mass. 1997).

31. "A term is ambiguous only if it is susceptible of more than one meaning and reasonably intelligent persons would differ as to which meaning is the proper one." Bercume v. Bercume, 428 Mass. 635 (Mass. 1999).

32. "In the end, '[a] final decree should be as definite and certain as the circumstances allow in order that a defendant may know what conduct is prohibited and not be subjected to contempt proceedings that might possibly arise out of any ambiguity in the decree.'" Sax v. Sax, 53 Mass. App. Ct. 765 (Mass. App. Ct. 2002).

33. "Ambiguities are regularly resolved in favor of the alleged contemnor and cannot be removed by examining the evidence underlying the judgment in which the ambiguous language is found." Sax v. Sax.

34. "Civil contempt proceedings are 'remedial and coercive,' intended to achieve compliance with the court's orders for the benefit of the complainant." Furtado v. Furtado, 380 Mass. 137 (Mass. 1980).

35. "A person judged in civil contempt may not be sentenced to prison for failure to pay a compensatory sum of money if he shows that he is unable to comply." Salvesen v. Salvesen, 370 Mass. 608 (Mass. 1976).

36. "It is important to note that 'analogy to the tax statutes suggests that the government must demonstrate only that the defendant was able to pay **some** portion of his past due child support obligations in order to establish liability under the [Child Support Recovery Act, ("CSRA")]." *U.S. v. Mattice*." U.S. v. Smith, 278 F.3d 33, 40 n.5 (1st Cir. 2002).

37. "The House Report to the CSRA also made specific reference to these provisions: The operative language establishing the requisite intent under [the CSRA] is

'willfully fails to pay.'" U.S. v. Williams, 121 F.3d 615, 620-21 (11th Cir. 1997).

38. "In order to establish willfulness under those provisions, the government must establish, beyond a reasonable doubt, that at the time the payment was due the taxpayer possessed sufficient funds to enable him to meet his obligation or that 'the lack of sufficient funds on such date was created by (or was the result of) a voluntary and intentional act without justification in view of all of the financial circumstances of the taxpayer.'" U.S. v. Williams.

39. "Abolishing Slavery" - Thirteenth Amendment

"Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. Section 2. Congress shall have power to enforce this article by appropriate legislation."

40. "Child-support awards fall within that narrow class of obligations that may be enforced by means of imprisonment without violating the constitutional

prohibition against slavery." U.S. v. Ballek, 170 F.3d 871, 874 (9th Cir. 1999).

41. "A parent who is subject to an order for child support must seek a modification of the order before making such a lifestyle change." U.S. v. Ballek.

42. "Where the additional punishment could involve the imposition of a very large fine, or a very long period of probation, or the forfeiture of substantial property, the severity of the total punishment may be sufficiently great so as to turn what would otherwise be a petty offense into a serious one" U.S. v. Ballek.

43. "'If at first you don't succeed, try, try again.' Not so in litigation." Mullins v. Corcoran, SJC-13049.

44. "The elements of the tort of interference with an advantageous relationship that a plaintiff must prove are "(1) a business relationship or contemplated contract of economic benefit; (2) the defendant's knowledge of such relationship; (3) the defendant's intentional and malicious interference with it; (4) the plaintiff's loss of advantage directly resulting from the defendant's conduct." *J.R. Nolan, Tort Law.*" Comey v. Hill, 387 Mass. 11, 19 (Mass. 1982).

45. "An abuse of discretion is defined in this circuit as a judicial action which is arbitrary, capricious, or whimsical. See *United States v. Wright*, 826 F.2d 938, 943 (10th Cir. 1987)." *Pelican Production Corp. v. Marino*, 893 F.2d 1143 (10th Cir. 1990).

46. "Other evidence of such abuse would include manifestly unreasonable judgment, prejudice, bias or ill will which is ascertainable from the record. See *id.* A failure to offer any reason for denial of such a motion could also constitute an abuse of discretion. See *id.* *United States v. Wright*." *Pelican Production Corp. v. Marino*, 893 F.2d 1143 (10th Cir. 1990).

47. "Given the lower court's discretion, the... court's ruling is only reviewed to determine if a 'definite, clear or unmistakable error occurred below.' *Amoco Oil Co.*" *Cummings v. General Motors Corporation*, 365 F.3d 944 (10th Cir. 2004).

48. "We will not set aside a judge's ultimate conclusion unless it is clearly erroneous or inconsistent with the relevant legal standard. *Freyermuth v. Lutfy*." *Johnson v. Modern Continental Constr.*, 49 Mass. App. Ct. 545 (Mass. App. Ct. 2000).

49. "Given the essentiality of a legal standard to a decision of law, appellate courts in Massachusetts hold broad power to review whether proper legal standards were applied." Trillium, Inc. v. Cheung, 11-P-727 (Mass. Feb. 21, 2012).

50. "A substantial risk of a miscarriage of justice exists when we have 'a serious doubt whether the result of the trial might have been different had the error not been made.'" Commonwealth v. Randolph, 438 Mass. 290 (Mass. 2002).

51. "An error creates a substantial risk of a miscarriage of justice unless we are persuaded that it did not 'materially influence' the guilty verdict. *Commonwealth v. Freeman.*" Commonwealth v. Alphas, 430 Mass. 8 (Mass. 1999).

52. "'Findings of fact shall not be set aside unless clearly erroneous, and due regard shall be given to the opportunity of the trial court to judge the credibility of the witnesses.'" In addition, this court must examine the legal standard applied to the facts found in order to assure that the ultimate findings and conclusions below were consistent with the

relevant legal standards. *Marlow v. New Bedford*."

First National Bank of Boston v. Brink, 372 Mass. 257  
(Mass. 1977).

53. "Common sense and the probable intent of the parties are guides to a court's construction of a written instrument." Fay, Spofford & Thorndike, Inc. v. Massachusetts Port Authority, 7 Mass. App. Ct. 336 (Mass. App. Ct. 1979).

54. "Thus, the 'clearly erroneous' standard of appellate review does not protect findings of fact or conclusions based on incorrect legal standards."  
Kendall v. Selvaggio, 413 Mass. 619 (Mass. 1992).

55. "It is important to reiterate that it must be shown through clear and convincing evidence that a party's fraudulent conduct is part of a pattern or scheme to defraud." Rockdale Management Co. v. Shawmut Bank, N.A., 418 Mass. 596 (Mass. 1994).

56. "[I]n order to obtain relief from a judgment under Rule 60(b), a moving party must show that his motion is timely, that he has a meritorious defense to the action, and that the opposing party would not be unfairly prejudiced by having the judgment set aside."



Park Corp. v. Lexington Ins. Co., 812 F.2d 894 (4th Cir. 1987).

57. "Parties seeking relief under Rule 60(b) have a higher hurdle to overcome because such a motion is not a substitute for an appeal." Cummings v. General Motors Corporation, 365 F.3d 944 (10th Cir. 2004).

58. "Accordingly, our review is 'meaningfully narrower than review of the merits of a direct appeal'. Lindberg v. U.S." Amoco Oil Co. v. U.S.E.P.A., 231 F.3d 694 (10th Cir. 2000).

59. "Fraud on the court implies corrupt conduct and embraces 'only that species of fraud which does, or attempts to, defile the court itself, or is a fraud perpetrated by officers of the court so that the judicial machinery cannot perform in the usual manner its impartial task of adjudging cases that are presented for adjudication...'. Pina v. McGill Dev. Corp." Winthrop Corp. v. Lowenthal, 29 Mass. App. Ct. 180 (Mass. App. Ct. 1990).

60. "A 'fraud on the court' occurs where it can be demonstrated, clearly and convincingly, that a party has sentiently set in motion some unconscionable

scheme calculated to interfere with the judicial system's ability impartially to adjudicate a matter by improperly influencing the trier or unfairly hampering the presentation of the opposing party's claim or defense. *Aoude v. Mobil Oil Corp.*" Rockdale Management Co. v. Shawmut Bank, N.A., 418 Mass. 596 (Mass. 1994).

61. "A party seeking to demonstrate fraud on the court must prove 'the most egregious conduct involving a corruption of the judicial process itself.' *Paternity of Cheryl.*" Dawson v. Equity Investment Group, No. No. 2001517 (Mass. Cmmw. Aug. 11, 2006).

62. "Fraud on the court applies in instances of 'the most egregious misconduct, such as bribery of a judge or members of a jury **or the fabrication of evidence by a party in which an attorney is implicated**' (emphasis added). *Winthrop Corp. v. Lowenthal.*" Cashman Equip. Corp. v. Penny, 19-P-1814 (Mass. App. Ct. Apr. 26, 2021).

63. "Rule 60(b)(6) relief is even more difficult to attain and is appropriate only 'when it offends justice to deny such relief.' *Cashner.*" Yapp v. Excel Corp., 186 F.3d 1222 (10th Cir. 1999).

64. "There is no time limitation that would bar a judge from setting aside a judgment for fraud upon the court." Sahin v. Sahin, 435 Mass. 396 (Mass. 2001).

65. "Relief under rule 60 (b) (6) is only appropriate when justified by some reason other than those set forth in rule 60 (b) (1)-(5)" Sahin v. Sahin, 435 Mass. 396 (Mass. 2001).

66. "To prevail under rule 60 (b) (6), a party must show that there is a reason to justify the relief, and also that the reason is not within the grounds set forth in rule 60 (b) (1)-(5)" Parrell v. Keenan, 389 Mass. 809 (Mass. 1983).

67. "In essence, rule 60 (b) (6) vests 'power in courts adequate to enable them to vacate judgments whenever such action is appropriate to accomplish justice.' *Klapprott v. U.S.*" Parrell v. Keenan, 389 Mass. 809 (Mass. 1983).

68. "Rule 60(b) relief 'is extraordinary and may only be granted in exceptional circumstances.' *Servants of Paraclete v. Does.*" Zurich North America v. Matrix Serv., Inc., 426 F.3d 1281 (10th Cir. 2005).

69. "The denial of a 60(b)(6) motion will be reversed 'only if we find a complete absence of a reasonable basis and are certain that the ... decision is wrong.' *State Bank of S. Utah v. Gledhill.*" Yapp v. Excel Corp., 186 F.3d 1222 (10th Cir. 1999).

70. "When faced with a finding of fraud on the court , 'the judge has broad discretion to fashion a judicial response warranted by the fraudulent conduct.' *Commissioner of Probation v. Adams.*" B.C. v. F.C., 59 N.E.3d 414 (Mass. App. Ct. 2016).

COMMONWEALTH OF MASSACHUSETTS

SUPREME JUDICIAL COURT

SUFFOLK, ss

DOCKET No. SJ-2022-0041

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IMRE KIFOR,

Petitioner,

v.

THE COMMONWEALTH OF MASSACHUSETTS,

MIDDLESEX PROBATE AND FAMILY COURT,

BARBARA A. DUCHESNE,

CYNTHIA S. OULTON,

Respondents.

---

**Imre Kifor's Affidavit On Receipt Of No Opposition**

---

Date: 2/25/2022

Imre Kifor, Pro Se  
32 Hickory Cliff Rd.  
Newton, MA 02464  
[ikifor@gmail.com](mailto:ikifor@gmail.com)

I have no phone

I have no valid driver's license

I no longer have a stable physical address

**COMMONWEALTH OF MASSACHUSETTS**

**SUPREME JUDICIAL COURT**

SUFFOLK, ss

DOCKET No. SJ-2022-0041

IMRE KIFOR,

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v.

THE COMMONWEALTH OF MASSACHUSETTS,

MIDDLESEX PROBATE AND FAMILY COURT,

BARBARA A. DUCHESNE,

CYNTHIA S. OULTON,

Respondents.

**AFFIDAVIT ON RECEIPT OF NO OPPOSITION**

NOW COMES the Petitioner, Imre Kifor, ("Father"), and respectfully states:

1. Father filed and docketed his "Emergency Petition For Relief In The Nature Of Certiorari Pursuant To G.L.c. 249, § 4" in this Court on 1/31/2022.

2. Father simultaneously served his petition on the Respondents, as reflected by his filed certificates.

3. Supreme Judicial Court Single Justice Practice and Procedure states that "There is no strict adherence to Mass.R.Civ.P. 12(a)(1) requiring a party to serve a responsive pleading within twenty days of service."

4. "Instead, the [clerks] coordinate a date for filing the response based on [this Court's] custom."

5. Father has not received any communication re: his petition, and as an indigent Pro Se party has not been able to precisely determine the above cited custom.

6. Pursuant to the otherwise existing Superior Court Rule 9A, "If the moving party does not receive an Opposition within 3 business days after expiration of the time permitted for service of an Opposition, then the moving party must file with the clerk the Motion Papers together with an affidavit reciting compliance with this Rule and receipt of no Opposition in a timely fashion," Father is hereby submitting his herein affidavit of "receipt of no opposition."

7. Moreover, pursuant to Probate and Family Court Standing Order 2-99, Father is simultaneously filing his renewed motions for relief (per Domestic Relations Procedure Rule 60: Relief from judgment or order) with

the Respondent Middlesex Probate And Family Court re:  
his parallel amended court orders dated 1/12/2022.

Signed under the pains and penalties of perjury.

February 25, 2022

Respectfully submitted,

/s/ Imre Kifor  
Imre Kifor, Pro Se  
32 Hickory Cliff Rd.  
Newton, MA 02464  
[ikifor@gmail.com](mailto:ikifor@gmail.com)

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that true copies of  
the above Affidavit On Receipt Of No Opposition was  
this day served upon Respondents by emailing same to:

Evelyn Y. Tang (for Middlesex Probate & Family Court)  
Assistant Attorney General  
One Ashburton Place  
Boston, MA 02108  
(617) 963-2905  
[evelyn.tang@mass.gov](mailto:evelyn.tang@mass.gov)

Michael G. Xavier (for Barbara A. Duchesne)  
One International Place, Suite 3700  
Boston, MA 02110  
BBO #644844  
(617) 456-8000  
[mxavier@princelobel.com](mailto:mxavier@princelobel.com)

Cynthia S. Oulton, Pro Se  
(617) 281-0753  
[cynoulton@gmail.com](mailto:cynoulton@gmail.com)

Signed under the pains and penalties of perjury.

February 25, 2022

/s/ Imre Kifor  
Imre Kifor, Pro Se  
32 Hickory Cliff Rd.  
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COMMONWEALTH OF MASSACHUSETTS

SUPREME JUDICIAL COURT

SUFFOLK, ss

DOCKET No. SJ-2022-0041

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IMRE KIFOR,

Petitioner,

v.

THE COMMONWEALTH OF MASSACHUSETTS,

MIDDLESEX PROBATE AND FAMILY COURT,

BARBARA A. DUCHESNE,

CYNTHIA S. OULTON,

Respondents.

---

**Imre Kifor's Notice Of Motion To Expand The Scope And  
Parties Of Petition As Per Attached Discrimination  
(MCAD) Appeal**

---

Date: 3/13/2022

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32 Hickory Cliff Rd.  
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[ikifor@gmail.com](mailto:ikifor@gmail.com)

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**COMMONWEALTH OF MASSACHUSETTS**

**SUPREME JUDICIAL COURT**

SUFFOLK, ss

DOCKET No. SJ-2022-0041

IMRE KIFOR,

Petitioner,

v.

THE COMMONWEALTH OF MASSACHUSETTS,

MIDDLESEX PROBATE AND FAMILY COURT,

BARBARA A. DUCHESNE,

CYNTHIA S. OULTON,

Respondents.

**NOTICE OF MOTION TO EXPAND THE SCOPE AND PARTIES OF  
PETITION AS PER ATTACHED DISCRIMINATION (MCAD) APPEAL**

PLEASE TAKE NOTICE that, pursuant to Superior Court Rule 9A, the Petitioner, Imre Kifor, has served the Respondents with his "Motion To Expand The Scope And Parties Of Petition As Per Attached Discrimination (MCAD) Appeal" and supporting memorandum of law invoking G.L.c. 211, § 3, and G.L.c. 249, § 4.

Signed under the pains and penalties of perjury.

March 13, 2022

Respectfully submitted,

/s/ Imre Kifor

Imre Kifor, Pro Se

32 Hickory Cliff Rd.

Newton, MA 02464

[ikifor@gmail.com](mailto:ikifor@gmail.com)

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that true copies of the above Notice And Motion To Expand The Scope And Parties Of Petition As Per Attached Discrimination (MCAD) Appeal and memorandum of law were this day served upon Defendants by emailing same to:

Evelyn Y. Tang (for Middlesex Probate & Family Court)  
Assistant Attorney General  
One Ashburton Place  
Boston, MA 02108  
(617) 963-2905  
[evelyn.tang@mass.gov](mailto:evelyn.tang@mass.gov)

Michael G. Xavier (for Barbara A. Duchesne)  
One International Place, Suite 3700  
Boston, MA 02110  
BBO #644844  
(617) 456-8000  
[mxavier@princelobel.com](mailto:mxavier@princelobel.com)

Cynthia S. Oulton, Pro Se  
(617) 281-0753  
[cynoulton@gmail.com](mailto:cynoulton@gmail.com)

Signed under the pains and penalties of perjury.

March 13, 2022

/s/ Imre Kifor  
Imre Kifor, Pro Se  
32 Hickory Cliff Rd.  
Newton, MA 02464  
[ikifor@gmail.com](mailto:ikifor@gmail.com)

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I no longer have a stable physical address

February 26, 2022

Tara E. DeCristofaro, Register  
Middlesex Probate & Family Court  
Lowell Justice Center  
370 Jackson St., 5th Floor  
Lowell, MA 01852

Hon. Maura Healey, Attorney General  
Office of the Attorney General  
One Ashburton Place, 18th Floor  
Boston, MA 02108  
(via [ago@state.ma.us](mailto:ago@state.ma.us))

Dear Respected Register, Tara E. DeCristofaro, Esq.,  
Dear Respected Hon. Maura Healey, Attorney General,

**SUBMITTED FOR:** Re: Kifor v. Duchesne - 07D-3172-DV1  
Re: Kifor v. Oulton - 11W-0787-WD/11W-1147-WD  
Re: AGO Presentment Claim (8/12/2021)  
Re: AGO Civil Rights Violations Complaint (8/1/2021)

Enclosed for filing on my behalf, please find the following documents submitted to both vs. Duchesne and vs. Oulton matters:

1. Defendant's Motions For Relief From Parallel Orders and exhibits.

Moreover, please update my physical address to **32 Hickory Cliff Rd., Newton, MA 02464**.

Thank you.

Respectfully,  
/s/ Imre Kifor, Pro Se

Enclosure

Cc: Hon. Judge Jennifer Allen's Clerk, via [margaret.reilly@jud.state.ma.us](mailto:margaret.reilly@jud.state.ma.us)  
Michael Xavier, Esq. (for Ms. Barbara Duchesne), via [mxavier@princelobel.com](mailto:mxavier@princelobel.com)  
Ms. Cynthia Oulton, via [cynoulton@gmail.com](mailto:cynoulton@gmail.com)  
Atty. Evelyn Tang (AGO), via [evelyn.tang@state.ma.us](mailto:evelyn.tang@state.ma.us)

CERTIFICATE OF SERVICE

**EXH 000286**

The undersigned hereby certifies that a true copy of Imre Kifor's above listed items were this day served upon Defendants: Michael Xavier, Esq. (for Barbara Duchesne) and Cynthia Oulton (Pro Se) by emailing (due to indigency) same to [mxavier@princelobel.com](mailto:mxavier@princelobel.com) and [cynoulton@gmail.com](mailto:cynoulton@gmail.com), respectively.

Signed under the pains and penalties of perjury.

Dated: February 27, 2022  
/s/ Imre Kifor, Pro Se



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EXH 000288





fraud, defamation, discriminations based on color, sex and national origin, and documented violations of his civil rights.

6. Father's attempts to appeal this Court's decisions have been also deliberately sabotaged for 2+ years to effectively obstruct from the contents of recently revealed 17 hearing transcripts.

7. Moreover, this Court has deliberately delayed these contempt actions, and has sabotaged their intended appeals, to forcefully interfere with the appeals processes and also the prosecution of Father's active complaints against this Court in other courts<sup>1</sup>.

8. Consistently ignoring Father's filed affidavits of indigency, this Court has initiated a new wave of **malicious prosecutions & abuses of process** against Father by: a) issuing a secret capias for Father, and b) knowingly forcing him into criminal contempt.

9. Father has also documented a child-predatory ulterior motive: federal funds re: child support enforcements must be reimbursed at the highest rate, and hence any revisions of now documented falsified records of this Court would result in penalties.

10. This Court's deliberate acts to forcefully silence Father by threats of imminent incarcerations are rooted in a crystalized

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<sup>1</sup> See:

- briefed parallel appeals 21-P-503, 21-P-825, 21-P-901 & 21-P-902,
- complaint for civil rights violations 2181CV00921,
- complaint for discrimination (MCAD) 22BPA00184, and
- emergency petition to the Supreme Judicial Court SJ-2022-0041.

controversy: Father's forced indigency and his now complete isolation, including an implied and intentional house arrest.

11. The 1/12/2022 amended orders state that "[this] Court has made no previous orders of 'forced indigency'," while leaving the obsessive prior orders for 10 job applications/week intact.

12. Responding to Father's hereby resubmitted affidavit, this Court reiterated the order for ~5 unskilled and 5 highly skilled full-time job applications/week during the 1/21/2022 hearing.

13. After logging 51 submitted job applications, Father reported to the probation officer on 2/25/2022 that *"when asking for the compensation figure, [Indigo AG] understood that I could not provide a firm number, as the current court orders are seemingly compelling me to seek unskilled labor as well (i.e. how could I ask for \$200K [per year] when I would have to accept a \$30K [unskilled] Lowes job in order to avoid a jail sentence)."*

14. Father has been receiving food and shelter since 2018 from Ms. Qin (see all of Father's filed affidavits of indigency).

15. After Atty. Xavier deposing (and then ignoring) Ms. Qin on 2/13/2019, followed by this Court rejecting all her attempts to testify during hearings and trials, this Court still allowed

Atty. Xavier to have Father arrested on 1/21/2022, only to then falsely accuse him with abusing and exploiting his "girlfriend."

16. This Court rejected the idea of "pulling in" another woman and mother into these endless lawsuits only after Atty. Xavier's renewed **attempt to extort** ~\$50,000 + ~18,000 (legal fees) + \$400 (Sheriff's expenses) from Ms. Qin became apparent on 1/21/2022.

17. After selling her house in Acton, Ms. Qin originally agreed to extend Father's shelter in Newton until the end of February.

18. Considering Atty. Xavier's current threats against her, Ms. Qin will now immediately require full rent and expenses from Father, as soon as he receives any income. Complying with the order to seek unskilled Lowes or Dunkin' Donuts jobs nearby will render Father homeless, as none of them can pay Newton rents.

19. This Court's controlling, obsessive and retaliatory "seek work" orders therefore have only one objective: **to punish and silence Father**, without giving him a chance to recover the ~\$1M personal and retirement investments into his company, Quantapix.

20. Nevertheless, Father will continue to publish his software engineering development efforts on a daily basis, just as he had outlined it in his already filed & hereby re-attached affidavit.

21. To reduce the chance of "conflicts of interest" between his Quantapix and any prospective employer (or client), Father will focus more on streamlining open-source deep-learning frameworks.

WHEREFORE, Father respectfully requests this Court to grant him relief from the attached parallel court orders, pursuant to Mass.R.Dom.Rel.P. Rule 60 (b) (1, 2, 3, or 4), namely "mistake, inadvertence, surprise, or excusable neglect," "newly discovered evidence," "fraud, misrepresentation, or other misconduct of an adverse party," or "void judgment," respectively.

Signed under the pains and penalties of perjury.

February 26, 2022

Respectfully submitted,

/s/ Imre Kifor  
Imre Kifor, Pro Se  
32 Hickory Cliff Rd.  
Newton, MA 02464  
[ikifor@gmail.com](mailto:ikifor@gmail.com)

I have no phone  
I have no valid driver's license  
I no longer have a stable physical address

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fraud, defamation, discriminations based on color, sex and national origin, and documented violations of his civil rights.

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Respectfully submitted,

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Imre Kifor &lt;ikifor@gmail.com&gt;

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## Job applications for 3/9/2022

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**Imre Kifor** <ikifor@gmail.com>

Tue, Mar 8, 2022 at 3:41 PM

To: Elizabeth A Anderson <elizabeth.anderson@jud.state.ma.us>, Tara E Melo <tara.decrisofaro@jud.state.ma.us>, Margaret Reilly <margaret.reilly@jud.state.ma.us>, "Tang, Evelyn (AGO)" <evelyn.tang@state.ma.us>  
Cc: "Xavier, Michael" <mxavier@princelobel.com>, Cyndi Oulton <cynoulton@gmail.com>  
Bcc: quintessre@gmail.com, ofkifor@gmail.com

Dear Probation Officer Anderson,

Please see my new job applications for this week.

My efforts to deemphasize my proprietary software on GitHub, <https://github.com/quantapix>, are going good. I am almost done with the work for a comprehensive suite of NLP examples, <https://github.com/quantapix/qnarre.com/tree/main/qnarre/models>, and will be testing the software this week. I plan to update the blogs next week.

I also plan to update my resume and the other disclosures as I will be filing an appeal and motions with MCAD and the courts (see forwarded email). I will be referencing ~100 recent job applications (in addition to the ~800 that I emailed in 2019 before I was sent to jail based on fabrications and fraud).

Thank you,  
Imre Kifor, Pro Se

PS. As per your request I will be on zoom tomorrow at 8:30am.

Begin forwarded message:

**From:** Imre Kifor <ikifor@gmail.com>

**Subject: Re: MCAD #22BPA00184 - Appeal and motions to amend and expand**

**Date:** March 7, 2022 at 5:17:36 PM EST

**To:** "Xavier, Michael" <mxavier@princelobel.com>, Cyndi Oulton <cynoulton@gmail.com>

**Cc:** "Tang, Evelyn (AGO)" <evelyn.tang@state.ma.us>

Dear All,

Please see the TBD documents I intend to file in a week to amend and expand the existing lawsuits pursuant to the full spectrum of M.G.L.c 151B (specifically employment discrimination and retaliation because of color, sex and national origin).

Also, as I clearly have not exhausted the state's judicial forums, I will postpone sending any additional open letters until April 28, 2022.

Thank you,  
Imre Kifor, Pro Se

On Mar 5, 2022, at 7:26 PM, Imre Kifor <[ikifor@gmail.com](mailto:ikifor@gmail.com)> wrote:

Dear All,

I intend to appeal the attached MCAD dismissal before the 10 day deadline. I also intend to file a motion to amend it and to expand the parties of the complaint.

Ultimately, I will file a motion to also remove it to the Superior Court per G.L.c. 151B, (9).

Thank you,  
Imre Kifor, Pro Se

<22-02-28.pdf>  
<22-03-04.pdf>  
<jud-lib-804cmr1.pdf>

On Mar 1, 2022, at 3:17 PM, Imre Kifor <[ikifor@gmail.com](mailto:ikifor@gmail.com)> wrote:

Dear Probation Officer Anderson,

Please see my new job applications for this week.

As a result of my interview with Indigo AG I am reviewing my public Github repositories to ensure that there could not be any "conflict of interest" issues between my Quantapix software and prospective full-time employers (I know how to deal with that for 1099 contracts).

Indigo AG has indicated their intent to monitor the repositories and I plan to finalize the changes for next week. Instead of my qnarre examples I will be using comprehensive open source examples for demo purposes.

Thank you,  
Imre Kifor, Pro Se

<01-report.pdf>  
<02-current.pdf>  
<03-replies.pdf>

On Feb 22, 2022, at 1:13 PM, Imre Kifor <[ikifor@gmail.com](mailto:ikifor@gmail.com)> wrote:

Dear Probation Officer Anderson,

Please see my new job applications for this week. I have now reached **51 submitted applications**.

Responding to your request "**but Dunkin Donuts is hiring**," I need to reiterate that I have been

receiving food and shelter from Ms. Qin. However, as soon as I have any income, I immediately would need to pay rent and expenses. Clearly, a Dunkin Donuts salary nearby in Newton will not be enough for any rent, never mind child supports. A Dunkin Donuts job will therefore turn me into a homeless, defenseless 60 years old and legally indigent immigrant overnight.

Ms. Duchesne has attempted to “draw-in” Ms. Qin as well into the lawsuits when she had me arrested on 1/21/2022. However, her alleged “**abused and exploited girlfriend**” label for Ms. Qin doesn’t apply as I am barred from any of the liberties that would characterize any “girlfriend” relationships. And Ms. Qin is not just some “headless sex-object,” as the Family Court has allowed Atty. Michael Xavier to portray women and mothers. In fact, finally Judge Allen specifically declined to allow yet another hard working professional woman (and mother) to be pulled into this horrible profiteering nightmare that deliberately attempts to only protect Ms. Duchesne’s deeply child-abusive frauds and her million dollars.

Ms. Duchesne’s twins will turn 18 on 3/13/2022, while Ms. Oulton’s children are only 11 and 13. And Ms. Oulton, masterfully played and fooled by Ms. Duchesne, is allegedly living off of borrowed moneys, and rightfully hoping for some of the now \$255,000+ in-arrears child supports.

To further support my position, I am attaching a simple search for “machine learning” jobs, my specialty for the last 5+ years. As of this morning **92 jobs are listed** satisfying the requirements of the job seek order. My skills are up to date, and as I will be able to prove in my public GitHub software repositories at <https://github.com/quantapix>, they are also comprehensive. Starting in March, I will publicly test my streamlined open source software with the state-of-the-art models (algorithms) and datasets that are being downloaded tens of millions of times these days (see 04-exhibits.pdf).

My explanation for getting no responses for any of my job applications is simple: I have significant ongoing lawsuits that materially will affect not just my work but also my life. The complaint I filed against the Commonwealth in the Supreme Judicial Court is “active” and, as per the ambiguous rules re: responses, i.e. "

There is no strict adherence to Mass.R.Civ.P. 12(a)(1) requiring a party to serve a responsive pleading within twenty days of service,” the **deadline expires today**. How can any self-respecting company interject itself into this mess when nobody knows how even the government would respond?

In order to gain some much needed direction regarding your valid “but Dunking Donuts is hiring” remark, I will file a new motion for clarification of the seek work orders with the Family Court this Friday, once I know the parties’ responses to my ongoing complaints, specifically SJ-2022-0041.

Thank you,  
Imre Kifor, Pro Se

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<03-replies.pdf>  
<04-exhibits.pdf>

On Feb 15, 2022, at 2:47 PM, Imre Kifor <[ikifor@gmail.com](mailto:ikifor@gmail.com)> wrote:

Dear Probation Officer Anderson,

Please see my new job applications for this week.

Thank you,  
Imre Kifor, Pro Se

<01-report.pdf>  
<02-current.pdf>  
<03-replies.pdf>  
<04-spam.pdf>

On Feb 8, 2022, at 11:19 AM, Imre Kifor <[ikifor@gmail.com](mailto:ikifor@gmail.com)> wrote:

Dear Probation Officer Anderson,

Please see my new job applications for this week.

Thank you,  
Imre Kifor, Pro Se

<01-report.pdf>  
<02-current.pdf>  
<03-replies.pdf>  
<04-spam.pdf>

On Feb 1, 2022, at 2:57 PM, Imre Kifor <[ikifor@gmail.com](mailto:ikifor@gmail.com)> wrote:

Dear Probation Officer Anderson,

Please see my new job applications for this week. I have included screenshots of all available details about the published openings, just as I promised you last week.

I also have a few responses (and spam, of course).

I will be updating my websites as soon as I have more info about the filed petition to the SJC.

Thank you,  
Imre Kifor, Pro Se

<01-report.pdf>  
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<03-previous.pdf>  
<04-replies.pdf>  
<05-spam.pdf>  
<22-02-01.pdf>

On Jan 24, 2022, at 11:38 AM, Imre Kifor <[ikifor@gmail.com](mailto:ikifor@gmail.com)> wrote:

Dear Probation Officer Anderson,

I have uploaded my combined resume (see attached) to Indeed, Dice and Upwork.

Today I have applied to 10 **full-time senior software remote positions** with a salary of at least \$140,000. I am attaching the report from Indeed and I have all the confirming emails sent to



[quantapix@gmail.com](mailto:quantapix@gmail.com) as well, should you need them.

While my experience level is a clear mismatch for the full time positions, I am also actively looking for contract work and on Upwork I set an initial \$350/hour rate. Obviously that is very much negotiable and I could get 1 day to months long assignments with a mixture of hourly rates. In the case of such a 1099 contract, Quantapix would immediately try to pay me a salary matching the currently ordered combined child supports.





I need to reestablish myself in the industry after so many years of forced isolation...

Thank you,  
Imre Kifor, Pro Se

<22-01-24.pdf>  
<combined-full.pdf>  
<22-01-24-Indeed.pdf>  
<22-01-24-Dice.pdf>  
<22-01-24-Upwork.pdf>

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#### 4 attachments

-  **01-report.pdf**  
100K
-  **02-current.pdf**  
5078K
-  **03-replies.pdf**  
161K
-  **TBD.pdf**  
379K