

COMMONWEALTH OF MASSACHUSETTS

SUPREME JUDICIAL COURT

SUFFOLK, ss

DOCKET No. SJC-13263

IMRE KIFOR,

Petitioner,

v.

THE COMMONWEALTH OF MASSACHUSETTS,

MIDDLESEX PROBATE AND FAMILY COURT,

BARBARA A. DUCHESNE,

CYNTHIA S. OULTON,

Respondents.

On Appeal From Single Justice Supreme Judicial Court

DOCKET No. SJ-2022-0041

Imre Kifor's SJC Rule 2:21 Memorandum

Date: 4/8/2022

Imre Kifor, Pro Se
32 Hickory Cliff Rd.
Newton, MA 02464
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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TABLE OF AUTHORITIES

Public Statement on Appeals: <https://www.mass.gov/guides/requirements-for-starting-an-appeal-in-each-trial-court-department>

Referenced Cases¹:

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).
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).

¹ Relevant quotations for each are attached in the Addendum.

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. Pulliam v. Allen, 466 U.S. 522 (1984).
12. Carey v. Piphus, 435 U.S. 247 (1978).
13. O'Brien v. DiGrazia, 544 F.2d 543 (1st Cir. 1976).
14. Jackson v. Birmingham Bd., 544 U.S. 167 (2005).
15. RCN-BecoCom, LLC v. Commissioner of Revenue, 443 Mass. 198 (Mass. 2005).
16. Commonwealth v. Hatch, 438 Mass. 618 (Mass. 2003).
17. Barrett Assoc., Inc. v. Aronson, 346 Mass. 150 (Mass. 1963).
18. Briggs v. Carol Cars, Inc., 407 Mass. 391 (Mass. 1990).
19. Brown v. Gerstein, 17 Mass.App.Ct. 558 (Mass.App.Ct. 1984).
20. J.A. Sullivan Corp. v. Commonwealth, 397 Mass. 789 494 N.E.2d 374 (1986).

21. In re Birchall, 454 Mass. 837 (Mass. 2009).
22. Adoption of Zoltan, 71 Mass.App.Ct. 185 (Mass. 2008).
23. McHugh v. Commonwealth, 97 Mass.App.Ct. 1104 (Mass.App.Ct. 2020).
24. Judge Rotenberg Educ. v. Comm. of the Dep. of M. R, 424 Mass. 430 (Mass. 1997).
25. Bercume v. Bercume, 428 Mass. 635 (Mass. 1999).
26. Sax v. Sax, 53 Mass.App.Ct. 765 (Mass. 2002).
27. Furtado v. Furtado, 380 Mass. 137 (Mass. 1980).
28. Salvesen v. Salvesen, 370 Mass. 608 (Mass. 1976).
29. U.S. v. Smith, 278 F.3d 33 (1st Cir. 2002).
30. U.S. v. Williams, 121 F.3d 615 (11th Cir. 1997).
31. U.S. v. Ballek, 170 F.3d 871 (9th Cir. 1999).
32. Mullins v. Corcoran, SJC-13049.
33. Comey v. Hill, 387 Mass. 11 (Mass. 1982).
34. Pelican Production Corp. v. Marino, 893 F.2d 1143 (10th Cir. 1990).

35. Cummings v. General Motors Corporation, 365 F.3d 944 (10th Cir. 2004).
36. Johnson v. Modern Continental Constr, 49 Mass.App.Ct. 545 (Mass.App.Ct. 2000).
37. Trillium, Inc. v. Cheung, 11-P-727 (Mass. Feb. 21, 2012).
38. Commonwealth v. Randolph, 438 Mass. 290 (Mass. 2002).
39. Commonwealth v. Alphas, 430 Mass. 8 (Mass. 1999).
40. First National Bank of Boston v. Brink, 372 Mass. 257 (Mass. 1977).
41. Fay, Spofford & Thorndike, Inc. v. Massachusetts Port Authority, 7 Mass.App.Ct. 336 (Mass. 1979).
42. Kendall v. Selvaggio, 413 Mass. 619 (Mass. 1992).
43. Rockdale Management Co. v. Shawmut Bank, N.A., 418 Mass. 596 (Mass. 1994).
44. Park Corp. v. Lexington Ins. Co., 812 F.2d 894 (4th Cir. 1987).
45. Amoco Oil Co. v. U.S.E.P.A, 231 F.3d 694 (10th Cir. 2000).

46. Winthrop Corp. v. Lowenthal, 29 Mass.App.Ct. 180
(Mass.App.Ct. 1990).
47. Dawson v. Equity Investment Group, No. 2001517
(Mass. Cmmw., 2006).
48. Cashman Equip. Corp. v. Penny, 19-P-1814
(Mass.App.Ct. 2021).
49. Sahin v. Sahin, 435 Mass. 396 (Mass. 2001).
50. Parrell v. Keenan, 389 Mass. 809 (Mass. 1983).
51. Zurich North America v. Matrix Serv., Inc., 426
F.3d 1281 (10th Cir. 2005).
52. Yapp v. Excel Corp., 186 F.3d 1222 (10th Cir.
1999).
53. B.C. v. F.C., 59 N.E.3d 414 (Mass.App.Ct. 2016).
54. Sullivan v. Chief Justice, 448 Mass. 15, 24 (Mass.
2006).
55. Otis v. Arbella Mutual Insurance Company, 443
Mass. 634, 639-40 (Mass. 2005).
56. Edwards v. Aetna Life Ins. Co., 690 F.2d 595, 599
(6th Cir. 1982).

STATEMENT OF ISSUES

1. Pursuant to Supreme Judicial Court Rule 2:21, the Petitioner, Imre Kifor, ("Father"), is appealing the Single Justice Denial Of Relief entered on 4/1/2022.
2. The appealed SJC judgment, R:600², reads as follows:
"This matter came before the Court, Georges J., on Imre Kifor's petition in the nature of certiorari pursuant to G.L. c. 249, § 4, filed pro se. Upon consideration thereof, it is ORDERED that the petition be, and the same hereby is, DENIED without hearing on the grounds that the petitioner has an adequate, alternate remedy in the normal appellate process."
3. Father's herein request for review is specifically based on the now documented impossibility of appealing the ongoing silencing & enslaving orders of the lower Family Court, that are themselves directly building on prior judgments with deliberately sabotaged appeals.
4. Addressed in, and therefore preserved before the lower and Single Justice Courts, this appeal raises the question: **did the Single Justice Court err on**

² References to exhibits are as follows: "A:p" is page 'p' in the Addendum, and "R:p" is page 'p' in Record Appendix.

4/1/2022 when assuming the existence of an "adequate, alternate remedy in the normal appellate process"?

5. Without a proper and effective review of the root causes of therein alleged forced controversies, a thus predictable "Einstein insanity"³ by our courts will continue to be on display while manifestly wasting public resources and deliberately torturing children.

STATEMENT OF THE CASE

6. On 1/31/2022 Father sought emergency relief in the nature of certiorari to correct errors in judicial proceedings by the Middlesex Probate And Family Court, ("Family Court"), which were not "according to the course of the common law," and which proceedings were not "otherwise reviewable by motion or by appeal."

7. In his emergency petition, R:017, Father alleged that "ongoing fraud, defamation and discriminations allowed in Family Court through the now 20+ hearings have forced [him] into an intractable indigency."

8. The otherwise diligent and punctual Father's in-arrears child supports/expenses are now at **\$260,000+.**

³ "Insanity is doing the same thing over and over and expecting different results" - perhaps by Albert Einstein.

9. No oppositions have been filed to the petition.

10. On 3/13/2022 Father filed a motion to expand the scope of the matter, R:229, alleging that "documented 'Conspiracy To Silence And To Enslave' cannot be otherwise reviewed in either Family or Appeals Court."

11. No oppositions have been filed to the motion.

12. Father's petition incorporates by reference all the underlying cases, R:009, specifically including Father's 2021-P-0503, 2021-P-0901, 2021-P-0902, 2021-J-0606 and 2021-J-0607 dockets from the Appeals Court.

13. The parallel appeals filings relevant here have been reproduced without any exhibits in the addendum for completeness sake and as timestamped pointers to Father's meticulously collected and filed evidences.

14. Testament to the therefore claimed impossibility of appealing the Family Court matters, Father further refers to his 2019-J-0527, 2020-J-0007, 2020-J-0100, 2020-J-0147, 2020-J-0279, 2020-J-0280, 2021-J-0079 and 2021-J-0080 dockets also filed in the Appeals Court.

15. Father has been filing his proper affidavits of indigency with Family Court since 7/9/2019, A:054.

16. As Father's **forced indigency** has been ignored, and maliciously invalidated by Family Court, R:118, Father hereby reiterates his repeated indigency statement for completeness: *"I own 80% of the above Quantapix, Inc. The company has no assets, no cash, no receivables, etc. and all records since inception in June 2011 have been voluntarily disclosed and filed with the Appeals Court. The other 20% of the shares are held by Janet Qin, the person who is temporarily providing me with strictly food, shelter and internet connection. Ms. Qin has been already deposed, has offered to testify repeatedly. She is eager to end this deadlock. Other than old computers, that cannot be sold anymore, I own no other assets of any value that can be liquidated. No assets of any value are held for me in someone else's name. I also filed a voluntary full financial disclosure with the Appeals Court, including all my bank statements, tax returns, etc. all the way back to 2008. All my meticulously kept records are available."*

STATEMENT OF FACTS

17. In his filings in the Appeals Court, Father has substantiated his long-term claims that Family Court

had allowed the bitterly jealous & vindictive mothers to collude to target Father with fraudulent complaints based on documented **child-predatory fraud**, systemic existential defamation and sustained discriminations.

18. When Father had attempted to appeal the therefore fraud-based judgments, Family Court sabotaged Father's properly filed notices of appeals by ignoring all his also timely filed affidavits of indigency, A:061.

19. By leaving his indigency-related filings with no responses (that could themselves be appealed), Family Court deliberately projected their dogmatic conclusive presumption, i.e. "a father cannot ever be indigent," into the matters. The projection's necessary corollary is therefore "**a father must always be guilty**" finding.

20. The required form of a proper Mass. affidavit of indigency states: "*This form prescribed by the Chief Justice of the SJC pursuant to G.L. c. 261, § 27B.,*" and a court ignoring it w/o notice must be arbitrary.

21. The Family Court's indigency-related capricious and self-imposed "conclusive presumptions" cannot be rebutted by evidence, hence, Family Court is entitled to also ignore a father's due process rights, R:280.

22. The Family Court responded to Father's then just served civil rights violations complaint by suddenly **rewriting history**, R:124, a fact preserved by the now docketed (and consolidated) 2021-P-0825 appeal, A:077: *"The lower Family Court's conjecture that, '[Father] has appealed the judgments in both cases and that those appeals are pending,' combined with the Family Court's now **falsified** claim that, 'Father filed a Motion to Stay pending appeal with the Massachusetts Appeals Court which was denied and docketed with this Court on July 6, 2020,' blatantly contradicts this Appeals Court order dated 3/9/2021, '... on-line dockets for the two [Family Court] cases cited in the heading of the defendant's motion do not reflect... that a notice of appeal was filed in either matter.'"*

23. Moreover, the "secret" Family Court docket entries served on Father by the AGO on 8/9/2021 show that the above 6/4/2021 order was never logged, and effectively hidden from any appeals reviews, A:078: *"[Father] has now also substantiated his claims that the lower Family Court's docket records are deliberately maintained in faulty, biased, and incomplete states. Father reasserts that subsequent actions based on*

*presumptions of "truthful" docket records constitutes material proof of Family Court's deliberate **defrauding** of this Appeals Court, while also clearly sabotaging Father's right to appeal, pursuant to G.L.c. 215, §9."*

24. Missing or falsified Family Court docket entries, **always biased** by only invalidating the *pro se* Father's filed record, go back to at least 2013, where Father's confirmed received filings were once again ignored, see Record Appendix Vol II, pages 649-728, for the 21-P-0503, 21-P-0901 and 21-P-0902 Appeals Court dockets.

25. Approaching the appeals process from his Superior Court defamation case, Father was then finally able to docket his appeals. As the Superior Court had allowed Father's indigency, and also respected his notice of appeal, Family Court was compelled to finally accept Father's indigency on 8/12/2021, and to mail him the Notices Of Assembly Of Record On Appeal on 10/6/2021.

26. Father's properly and timely filed **11 notices of appeals**, A:117, specifically requested the review of all aspects, including financial, of all the actions.

27. While Family Court ultimately allowed docketing of the appeals, the above 6/4/2021 order and the allowed

new 6/21/2021 contempt action effectively circumvented Father's effort to appeal the matters, nevertheless.

28. Father filed motions to stay, for reconsideration and for relief with Family Court, A:313. The properly filed motions being continually ignored substantiates his claims of actions "not reviewable by motions."

SUMMARY OF THE ARGUMENT

29. The basis of 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."

30. And the basis of tyranny is simply the practice of fabricating negligible, or easy to manage, "protected classes" of minorities, that a tyrant then leverages to thus frighten and enslave the majority of society.

31. Due process of law "to all" clearly and directly contradicts any such predatory "Critical Theories."

ARGUMENT

32. "Forced indigency" is an intractable existential state, it is the definition of slavery. Emotionally predatory mechanisms of any, even feminist, "Critical

Theories" are incapable of resolving it. While mothers must receive support, Family Court shouldn't insinuate that thus "evil" fathers cannot run out of resources.

33. As the obviously "toxic masculine" (due only to birth) Father had never been violent and Family Court had already **deliberately destroyed** all his bonds and connections with his children, Father could only be silenced, arrested and jailed through his financials.

34. Family Court turned to malicious prosecution and abuse of process, per the "Conspiracy To Silence And To Enslave" scheme, R:028, to then forcefully find Father guilty of diverting even a minuscule \$100 of his in-arrears \$260,000+ child supports to himself.

35. The scheme temporarily failed during the 1/21/2022 hearing, when Family Court still refused to hold an alleged "girlfriend" liable for the demanded ~\$70,000 immediate payment and released Father from the arrest.

36. Nevertheless, as long as Father's intractable forced indigency can be ignored, the scheme can still be endlessly renewed, and even Father's already fully briefed appeals can be influenced by pre-judging them.

37. Obsessive and thus destructive "seek work" orders, A:400, also eternally hold Father in the unrecognized "forcedly indigent" state, until Father is effectively silenced and/or enslaved (by incarceration or by him being forced into abandoning his profession & skills).

CONCLUSION

38. Driven by a self-imposed application of a Marxist "Critical Feminist Theory," i.e. all "toxic masculine" fathers are "evil" by default until proven innocent, Family Court has no inclinations to ever recognize any consequences of their actions re: forced indigency.

39. With such conclusive presumptions, constitutional rights of any resisting fathers can be openly ignored, while any such fathers can be **forcefully isolated** from their dear children, muzzled and bullied into slavery.

40. Claimed "adequate, alternate remedies in normal appellate processes" cannot possibly apply as long as:

- even simple notices of appeals can be sabotaged,
- docket entries for appeals can be falsified,
- appeals can be prejudged or fully circumvented,

- conspiracy for malicious prosecution/abuse of process is openly allowed, and interlocutory appeals cannot be at least paired against them,
- relevant judgments are withheld for years.

Signed under the pains and penalties of perjury.

April 8, 2022

Respectfully submitted,

/s/ Imre Kifor

Imre Kifor, Pro Se

32 Hickory Cliff Rd.

Newton, MA 02464

ikifor@gmail.com

I have no phone

I have no valid driver's license

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