

**COMMONWEALTH OF MASSACHUSETTS**

**HAMPDEN, SS.**

**HAMPDEN SUPERIOR COURT  
CIVIL ACTION NO. 2479CV00494**

\_\_\_\_\_  
**RIAN WATERS,** )  
**Plaintiff,** )  
 )  
**v.** )  
 )  
**AIDAN KEARNEY, et al.** )  
**Defendants** )  
\_\_\_\_\_

**DEFENDANTS’ REPLY TO PLAINTIFF’S OPPOSITION AND OPPOSITION TO PLAINTIFF’S  
“CROSS MOTION FOR INHERENT POWER SANCTIONS”**

Plaintiff served an opposition to Defendants’ Motion to Set Aside Default, along with a “Cross Motion for Inherent Power Sanctions,” purportedly incorporating the Opposition to Defendants’ Motion into his Motion as its Memorandum of Law. Plaintiff’s opposition/Cross Motion do not comply with Rule 9A and are filled with irrelevant allegations that fail to address the actual issue in front of the Court: whether good cause exists to set aside the default.

**I. PLAINTIFF’S OPPOSITION RELIES ON IRRELEVANT ARGUMENTS**

Plaintiff’s Opposition/Cross Motion Memorandum does not meaningfully contest any of the legitimate reasons Defendant gave to set aside default. Instead, he raises irrelevant allegations, including:

1. Defendant’s Alleged Prior Misconduct in Unrelated Cases
2. Claims of Emotional Distress and Harassment
3. Defendant’s Business Operations
4. Criminal Proceedings & Bail Conditions

## **II. PLAINTIFF'S CROSS-MOTION FOR SANCTIONS IS PROCEDURALLY IMPROPER**

Plaintiff improperly seeks sanctions within an opposition and improperly uses an opposition as a Memorandum to his Cross Motion, in violation of Rule 9A. He asks for \$20,000, to put the Defendant in jail, that Defendant also post a bond, that this Court make Defendant provide testimony (despite Plaintiff's opposition to conducting further discovery), and more.

Plaintiff's *only* remaining claim surrounds two statements about him selling drugs. Thus, the arguments contained in his Opposition/Cross Motion Memorandum have nothing to do with this case, let alone with the Motion to Set Aside Default.

The Court should be aware that although there was an outstanding Motion for Preliminary Injunction as of the date of the last Status Conference, Plaintiff, on February 26, 2025, communicated that he was going to withdraw the motion, then subsequently stated that he was going to continue with the Preliminary Injunction, sent yet another motion for "Inherent Power Sanctions" (different than this version that was filed), suggested that he was going to file a Motion for Summary Judgment (before changing his mind) and now, prior to filing this Motion, he has filed yet another Motion in hopes of having a hearing on the *original* Preliminary Injunction Motion without adhering to Rule 9A.

Plaintiff has had his injunctions denied three times before, surrounding the same alleged conduct, with the Court previously stating that his allegations did not constitute an emergency, and that this case had "spun off its axis." It is no different now.

## **III. CONCLUSION**

Plaintiff's opposition is procedurally improper, factually irrelevant, and deficient of any argument that would prevent this Court from setting aside default. Defendant's Motion to Set

Aside should be ALLOWED and Plaintiff's Cross Motion should be STRICKEN or DENIED.

Respectfully submitted,

/s/ Ryan P. McLane \_\_\_\_\_

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