

A

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, SS.

SUPERIOR COURT  
CIVIL ACTION NO. 1879CV00344

RIAN WATERS,  
Plaintiff

vs.

AIDAN KEARNEY,  
WORCESTER DIGITAL MARKETING, LLC  
TURTLEBOY ENTERPRISES, LLC  
Defendants

HAMPDEN COUNTY  
SUPERIOR COURT  
FILED  
DEC - 9 2019  
*Ann Kelly*  
CLERK OF COURTS

Motion to declare notice of appeal valid

The Plaintiff Rian Waters moves for this court to consider his July 3rd 2019 Notice of Appeal as valid. Summary Judgment decision and order in favor of the Defendants was filed June 20th, 2019, and was docketed June 27th, 2019. The Plaintiff filed a notice of appeal on July 3rd, 2019, but the John Doe defendants were not dismissed until July 8th. The Clerk's Office told the Plaintiff on October 31st that his notice of appeal was void because he filed premature  
See attached memorandum

Wherefore, I Rian Waters request that this court either order the clerk's office to assemble the record, or alternatively report the matter.

his notice of appeal on 7/3/19. Then, the Clerk's office dismissed claims against the John Doe defendants administratively because plaintiff had failed to effectuate service of process, but that was a nullity given that summary judgment had already been entered by Judge Mulqueen. Therefore, the Notice of Appeal was timely filed and is valid.

*James J*  
12/11/19  
SC  
M12-131

For the reasons set forth in plaintiff's supporting memorandum, and after review of the case files plaintiff's motion is ALLOWED. Causes 3 and 6 of the Complaint alleged damages against Samantha Cardini, which were dismissed by plaintiff on his oral motion on 11/19. Judge Mulqueen's decision on 6/27/19 disposed of all other claims and counts on defendants' motion for summary judgment, including the claims against "John Doe" defendants. The plaintiff filed