

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT

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RIAN WATERS

v.

AIDAN KEARNEY, ET AL.

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Docket No.
1879CV00344

BEFORE THE HONORABLE JANE E. MULQUEEN
MARCH 12, 2019

APPEARANCES:

For the plaintiff:

BY: Rian Waters, Pro Se

For the defendant, Aidan Kearney, et al.:

KC Law

30 Court Street, Suite 1

Westfield, Massachusetts 01085

BY: Kevin Chrisanthopoulos, Esq.

Springfield, Massachusetts
Room 7

Christine D. Blankenship
Court Reporter/Transcriber

I N D E X

PAGE:

Proceedings

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1 (Court in session.)

2 THE CLERK: The Honorable Jane Mulqueen is now
3 presiding. Your Honor, for the record this matter of Rian
4 Waters versus Aidan Kearney, et al, civil action 18-344 is
5 for a Rule 56 hearing before Your Honor. If each of you
6 could please just identify yourselves for the record.

7 MR. CHRISANTHOPOULOS: Kevin Chrisanthopoulos for the
8 defendants.

9 THE COURT: Good afternoon.

10 MR. WATERS: Rian Waters, plaintiff.

11 THE COURT: Good afternoon.

12 Okay. So just for clarification purpose, this was
13 initially a motion to dismiss which was filed which I then
14 allowed to be converted to a 56 because of additional
15 filings outside of the pleadings. I did receive an
16 affidavit of Mr. Waters as well as a supplementary brief
17 book will for the motion to dismiss/summary judgment which
18 was filed yesterday. Did you obtain or receive copies of
19 that?

20 MR. CHRISANTHOPOULOS: He just handed it to me today.
21 I haven't opened it yet.

22 THE COURT: Okay. And I also received supplemental
23 exhibits for defendants' motion to dismiss the animal
24 hospital and the criminal complaint and the police report.

25 MR. CHRISANTHOPOULOS: Correct.

1 THE COURT: All right. So are we prepared to argue the
2 motion for summary judgment?

3 MR. CHRISANTHOPOULOS: We are, Your Honor.

4 THE COURT: All right. And are you prepared to argue in
5 opposition to the motion for summary judgment?

6 MR. WATERS: No, I am not.

7 THE COURT: Okay. Hold on a second. My microphone is
8 flashing blue.

9 THE CLERK: It's working still, Your Honor.

10 THE COURT: Just double checking. So do you have a
11 request of the Court to continue this hearing?

12 MR. WATERS: Yes, but I also, I mean, the defendants
13 have been doing clear violations of 268 13B and it has been
14 causing severe damage emotionally and mentally, and it's
15 also the witness intimidation it blocks -- it makes it so
16 that I can't do a deposition fairly and get a fair result
17 based on -- and with the -- because I mean my first -- if
18 you look at the supplementary brief --

19 THE COURT: I read it.

20 MR. WATERS: Any witness knows that if they end up
21 going forward if they try to help me in this case, then
22 they are going to have like sexually explicit pictures of
23 them, and they're going to have all sorts of people
24 attacking them and taunting them and harassing them on
25 Facebook. And I mean as the statute, which I put in all

1 the relevant parts, I mean the bar for harassment is very
2 low with witnesses, and I am a witness as is Michael
3 Gaffney, as is my old roommate, and, I mean, the
4 conversation that he had with her it's unacceptable. And I
5 cannot go forward with the case in this environment. So I
6 mean if you don't think that an injunction is proper, which
7 I -- then I mean standby counsel is --

8 THE COURT: I don't mean to interrupt you, but when you
9 say an injunction is proper, are you referring to the
10 preliminary injunction motion that's been denied or are you
11 seeking something further from the Court?

12 THE CLERK: Yes, I mean I'm seeking according to the
13 Supreme Judicial Court rule highlighted in the beginning of
14 it, "The judge has an affirmative role to see that a
15 plaintiff is fairly heard," and so it's actually I argue
16 that it is your duty to see that I am fairly heard, and I
17 mean if you want me to supplement some sort of brief that's
18 a more narrowly tailored preliminary injunction, I can do
19 so, but it's unfair and it's unjust to force me to argue
20 this case and to do depositions under these circumstances.

21 THE COURT: Did you want to be heard?

22 MR. CHRISANTHOPOULOS: Judge, I would only say that
23 this should have been addressed before today. We scheduled
24 this a long time ago, we are here, the Court gave us
25 opportunities to file documents and briefs. He did that, I

1 did that. I don't see any reason why we shouldn't go
2 forward. Without launching into my argument, the essence
3 of the plaintiff's complaint stems from one article that
4 was written, you know, two years ago, that's what we are
5 here to talk about today and whether not there is any
6 viable statements in it. I'm prepared and ready to go
7 forward.

8 THE COURT: Okay. I just want to address a little bit.
9 So you've not had an opportunity to read the supplemental
10 brief for motion to dismiss/summary judgment?

11 MR. CHRISANTHOPOULOS: I have not.

12 THE COURT: And that's what you are referring to when
13 you indicate citing to the Supreme Judicial Court rules?

14 MR. WATERS: Yes.

15 THE COURT: Regarding the right to counsel. I just
16 want to point out to you that several of those -- well,
17 first of all, the statute that you point to 268 13B is a
18 criminal statute, okay, an intimidation of a witness is a
19 criminal offense, and so the Court does not investigate
20 criminal offenses, but if you feel as though you have --
21 that this statute has been violated and that you are a
22 victim of intimidation, that needs to be addressed with the
23 appropriate police department in the appropriate
24 jurisdiction in which that intimidation you alleged to have
25 occurred occurred.

1 And in terms of the rules that you're citing the judge
2 having an affirmative role in facilitating, that's in
3 conjunction with a right to counsel, and as a plaintiff in
4 a civil matter, you don't have a right to appointed counsel
5 from the Court. So I have read what you've submitted to
6 the Court, and I understand -- I think I understand what
7 your arguments are. You're seeking for the Court to
8 appoint an attorney for you.

9 MR. WATERS: Or an injunction or impound the case.

10 THE COURT: I don't understand what you mean by
11 injunction. What are you asking the Court to enjoin?

12 MR. WATERS: To prevent them from harassing witnesses,
13 and by harassing witnesses I mean put them on a public
14 shaming device that is known for destroying lives.

15 THE COURT: So basically what you're arguing is that
16 because you've appeared in this article that you attached,
17 which it appears to have been on March 6 or is that printed
18 on March 6.

19 MR. WATERS: It was printed.

20 THE COURT: February 3? I can't tell from all these
21 pages.

22 MR. CHRISANTHOPOULOS: Judge --

23 MR. WATERS: It's on the front of it.

24 THE COURT: It's not the original article. It is,
25 "Milky Mike Gaffney posting, 'I'm 47 and just a millionaire

1 might be the most lonely and pathetic thing he has ever
2 done.'" In which it's attached -- it should be attached to
3 the filing that you received today.

4 MR. WATERS: February 3.

5 THE COURT: So it is your allegation that because this
6 article has pictures of you that then therefore the Court
7 should find that anyone who supports you will be ridiculed
8 on Turtle Boy?

9 MR. WATERS: I mean, you notice there's actually very
10 little argument that's been in my briefs ever since the
11 first brief. My best brief by far was my first one because
12 I didn't have a lot of intimidation at the time. It was
13 concise, short, to the point. Since, I mean, I've been a
14 mess. It's hard for me -- like, actually, for over two
15 weeks after -- it wasn't this article, it was the next one,
16 where they had thirteen pictures I believe of my beautiful
17 puppy that I love very much, and they -- I don't even
18 remember and they asked the district attorney to go after -
19 - or they asked people to call the district attorney to go
20 after me and there was death threats in the comments, and
21 between it all, it put me into an emotional mess where for
22 a couple of weeks I was unable to write anything for over
23 two weeks. I didn't do basic obligations. I was unable to
24 represent myself at my point. So the point is that either
25 that behavior has to get heard or -- and the thing is I

1 understand you said I'm a plaintiff, but in this case I'm
2 really not. If I win this case as they've said and as I've
3 shown to the Court they're not going to give me anything.
4 The only thing that I have to try to win is my reputation,
5 and the way -- the damage that they've done is considered
6 cruel and unusual. The Supreme Court -- I don't have it in
7 front of me, I think it's *Stanley* or something, when they
8 recently did the -- they did the sex offender registration
9 online and back in 2000 they said it wasn't that bad
10 because it wasn't a face-to-face punishment or whatnot, but
11 then in recent decisions, not the US by the highest courts
12 of Pennsylvania and Ohio, they pointed that with the new
13 Internet environment it is -- the damages are just too
14 extreme or to call it civil. And the thing is that the
15 damage that these are doing is far worse than what any of
16 those the courts were looking at.

17 So it's unfair to call me -- I'm not really a plaintiff
18 in this matter. I mean, I am on paper but I'm going to
19 have to seek asylum in another nation if I lose this case,
20 if I want to have a decent quality of life, one -- a
21 quality of life that the Constitution guarantees me.

22 THE COURT: Did you want to be heard in response to any
23 of those arguments?

24 MR. CHRISANTHOPOULOS: No.

25 THE COURT: So we are here for the summary judgment.

1 So I will hear you in support of your motion.

2 MR. CHRISANTHOPOULOS: Thank you, Your Honor. Again,
3 Kevin Chrisanthopoulos for the defendants.

4 So this matter arises out of an incident that occurred
5 between the plaintiff and Samantha Cardin was also a named
6 defendant in this case before she was dismissed a couple
7 months ago. Back in December of 2016, the allegations are
8 that Mr. Waters assaulted her and assaulted their dog which
9 led to the dog's death. Mrs. Cardin took to Facebook, a
10 social media app, and posted posts and pictures of the
11 alleged assault, a description of what happened, and a
12 third party, presumably a friend of hers, took this
13 information and either gave it to someone else or that was
14 that person and they wrote a story about it. They wrote a
15 blog and then submitted it was submitted to Turtle Boy
16 Sports which posted it.

17 I should back up and indicate that Mr. Waters was -- he
18 was arrested for these allegations as well, and that was
19 submitted as the supplemental exhibit.

20 So the post or blog, whatever you want to call it, is
21 the basis of the plaintiff's complaint. And the
22 plaintiff's complaint is sounds in libel, and these
23 statements I've read through it ten times to see if I could
24 find anything that is libelous within there and I couldn't.
25 They are merely commenting on the Facebook posts, the

1 Facebook pictures. Yes, some of the comments are off-color
2 or inappropriate one might find them, but they're not
3 libelous. I put them in the category of satire, and if you
4 look up satire, satire has to do with ridicule. And the
5 plaintiff refers to this as a public shaming device, you
6 know, in some part I might not disagree. It's no different
7 than the police department posting a mug shot. The only
8 difference here people are commenting on the pictures, and
9 you see that on "MassLive" and all these other websites.

10 So, again, it's commentary, it's protected speech and
11 if you look at the totality of the article, it's not
12 libelous. They're not suggesting -- I'll just say it's not
13 libelous, Judge.

14 And then with regard to comments or opinions, it's all
15 protected, and the law states no matter how unjustified or
16 unreasonable or the opinion may be or how derogatory it is.
17 So, you know, I'll rest with that and I'll refer to
18 everything else that's within my motion.

19 THE COURT: So Mr. Waters.

20 MR. WATERS: I can give a short argument.

21 THE COURT: So in the defendants' memorandum in support
22 of their motion to dismiss, which is now a motion for
23 summary judgment, they lay out several arguments first that
24 Mr. Kearney cannot be individually liable because of the
25 LLC, so that's one argument. Do you wish to address that?

1 MR. WATERS: Yeah, I mean there's what's written in the
2 opposition which if you look at the twelve factors that was
3 first identified in *Pepsi-Cola* I want to say US Supreme, I
4 mean, I should have it in front of me, but I want to see at
5 least eight of them were in favor of or maybe nine were in
6 favor of piercing the veil. And, I mean, they don't have
7 the proper insurance that's required according to the LLC
8 rule. I'm sure they don't have the 100,000 sitting around,
9 although they did not answer my first set of
10 interrogatories yet. They haven't been filing annual
11 reports. They haven't been keeping the addresses up-to-
12 date. I mailed papers to them last May to both of their
13 resident addresses, and one of them got sent back, "return
14 to sender/insufficient address," and the other one he said
15 that they never received. So, I mean, and there is a rule
16 the federal courts have addressed that a party can't
17 receive the benefits and at the same time escape the
18 obligations imposed. And, I mean, they're almost doing
19 nothing that they're supposed to for the LLC.

20 And actually I guess it's written in it, but Aidan
21 Kearney he's admitted that he is the editor at times. He's
22 entrenched in the blog he does almost every role, and he
23 often -- and he changes his story, depending on who he's
24 talking to about what his role is, but I'll leave it at
25 that as far as that section. Is there any other?

1 THE COURT: So the next argument that the defendants
2 make is that you have not alleged a viable claim for
3 defamation, first that the defendants didn't write the
4 blog, it was a third-party. Do you have any response to
5 that argument?

6 MR. WATERS: Well I don't think the blog so much
7 matters because he has since written a book, and in the
8 book he accuses me of being a murderer or not being a
9 murderer, killing a dog, killing my precious dog, beating
10 women and he accuses me of shipping drugs via the USPS and
11 they haven't provided any evidence for that at all. And I
12 believe there's one more crime. Witness intimidation. But
13 either way, yeah, they didn't come up with any evidence for
14 any of those crimes at all, and I don't have it in front of
15 me, but I know there's at least five cases besides the
16 *London Post* that all say that a crime is defamatory per se
17 or an accusation of a crime and, yeah, so it's.

18 THE COURT: Plaintiff has not alleged any facts that
19 the alleged statements were not substantially true. I
20 think you addressed that in your written opposition. Did
21 you want to say anything further on that point?

22 MR. WATERS: No, that's fine.

23 THE COURT: And how about the argument, both in the
24 motion as well as oral argument today, that the statements
25 are opinions and therefore not actionable?

1 MR. WATERS: There is several times that they
2 misrepresented in my initial, again, the article doesn't
3 matter, but in my initial article, they misrepresented my
4 statements I believe twice, and then in one of them they
5 said that I found my dog crushed underneath a cabinet,
6 which is just not true, and so, I mean, that was a heavy
7 misrepresentation and they based their opinion where they
8 go -- they based it off at that. So an opinion based off
9 of a misrepresentation I would say is defamatory.

10 And then further on -- I guess I should have wasted
11 that -- but the more important, I mean, the book, they said
12 that I have -- they misrepresented the criminal case, too,
13 they said I had a trial and it all came out when there was
14 no trial and I believe they misrepresented stuff about the
15 vet, too, which and on the vet, I mean, if I was competent,
16 there's a good chance I might have put a motion to strike,
17 but, I mean, I haven't been competent enough to do that.

18 THE COURT: You mean a motion to strike the
19 supplementary exhibit?

20 MR. WATERS: Yeah, I'm not certain, but there's a
21 reasonable chance I would have.

22 THE COURT: And how about the intentional infliction of
23 emotional distress?

24 MR. WATERS: Yes.

25 THE COURT: Plaintiff has not alleged any facts that

1 would sufficiently place defendant on notice on the bases
2 for the claim.

3 MR. WATERS: I mean, I would say -- I guess I should
4 have worded it better, but I did in October I got a
5 diagnosis for -- I forgot exactly, but it is a diagnosis
6 that is directly related to this incident into what they've
7 done, and I'm sure -- I mean their actions recently I
8 believe there's case law cited in the supplementary that I
9 put in there today that shows the fact that they were doing
10 it right before important shows that it was more likely
11 than less likely that they were trying to intimidate, so
12 that shows that they were more likely than less likely
13 trying to inflict emotional distress. So I think it would
14 be pretty insane to drop it when there is clear evidence
15 that they have been intentionally causing emotional
16 distress.

17 THE COURT: Anything else that we haven't addressed or
18 that you wanted to address with the Court?

19 MR. WATERS: No, I appreciate you going through it.

20 THE COURT: Did you want to be heard any further?

21 MR. CHRISANTHOPOULOS: Judge, I would just highlight
22 that Ms. Cardin submitted an affidavit in this case as
23 well, and she stated under oath that she was assaulted by
24 Mr. Waters. She stated under oath that it was her opinion
25 that he injured the dog which led to its death. She stated

1 under oath that the Facebook posts that were in the
2 articles were in fact hers, they weren't altered in any
3 way. I would just add that.

4 THE COURT: So I will take the matter under advisement.
5 I just wanted to address a little further the apparent
6 request of the plaintiff for some sort of relief. So you
7 asked for either counsel to be appointed, which you don't
8 have a right to counsel in this case, or an injunction, but
9 there's been no -- other than the original motion for
10 preliminary motion which was denied, there is not a motion
11 before the Court for that or the case to be impounded. I'm
12 not sure what you mean by that.

13 MR. WATERS: I don't really know. I just know that --

14 THE COURT: I don't mean to interrupt you, but I think
15 the last time we did have some agreement or some order of
16 the Court in terms of your address and not providing your
17 address, and so we dealt with some discovery issues that
18 way, but what exactly are you asking for the Court to
19 impound?

20 MR. WATERS: They posted the address a week later. I
21 don't know. I don't know what to do. I have been under
22 extreme emotional distress, and I have a right to be fairly
23 heard, and as I've read -- I guess what I'm asking for is I
24 want guidance. If you want me to do whatever you think is
25 the best solution, I will do it, but in the interest of

1 being -- I don't know -- efficient, I just --

2 THE COURT: Well, I can't give you legal advice. I
3 can't do that.

4 MR. WATERS: What's an affirmative role?

5 THE COURT: Affirmative role for what? To see that you
6 are fairly heard?

7 MR. WATERS: Yes.

8 THE COURT: It is what I and the other judges that have
9 heard this case have been doing which is guiding you toward
10 the specific rules and guidance.

11 MR. WATERS: To be fairly heard. The right essential
12 (indiscernible). Judges may make reasonable accommodations
13 that help self-representing litigants understand
14 proceedings and application --

15 THE COURT: Right, you can be referred to attorneys --

16 MR. WATERS: Secure legal assistance --

17 THE COURT: But not from the judge.

18 MR. WATERS: And I mean it says on the 3.10 section 4
19 it says, "That in the interest of justice, counsel can be
20 appointed for standby reasons," and I would say --

21 THE COURT: Right, but if you look further in that, it
22 means in cases in which the unrepresented person has a
23 legal right to counsel.

24 MR. WATERS: And I did cite cases -- sorry to be
25 argumentative, but I did cite cases where they said that if

1 they will lose liberties if they lose the case, then that
2 also can give them counsel, and it says in civil
3 proceedings of any type in the other one, too. I don't
4 know. I'll let you review it and advise me afterwards.

5 THE COURT: Well, I guess I'm confused as to how an
6 appointment of counsel would make his reactions --

7 MR. WATERS: Well, I mean -- it would make it so that
8 if I were to do a deposition, then I can count on, even if
9 they actually don't do it, at this point I expect them to
10 do a harassing article right before something important and
11 that ends up affecting my performance, too. So it's just
12 unfair to have -- if I do a deposition, they're going to
13 harass me before that.

14 THE COURT: I don't mean to interrupt you, but what do
15 you base that on? I mean this is pure speculation on your
16 part, is it not, that you expect that they may behave in a
17 certain fashion.

18 MR. WATERS: They've harassed me nonstop every single
19 one. This is the only time that they didn't harass me is
20 in the last few days, but every other time there's been an
21 important court thing, the bar for harassment is very low
22 in witness intimidation as included --

23 THE COURT: Have you considered --

24 MR. WATERS: And what they're doing is way up there. I
25 mean, it's just it's insane.

1 THE COURT: Have you reported it to law enforcement?

2 MR. WATERS: Not really, but I have an issue with that,
3 too, it's just that the law enforcement that arrested me
4 originally in the Samantha Cardin case he stole \$300 from
5 me and he lied about my bail and he filled the police
6 report with lies in the narrative, which I didn't even say
7 that much, but he lied about all that, and I've dealt with
8 police corruption. It's just I have an issue going at
9 least with the Palmer Police, maybe if I were to, I don't
10 know.

11 THE COURT: Well you can go to the state police.

12 MR. WATERS: I guess that might be the --

13 THE COURT: If you have an issue with the Palmer Police
14 Department, you can seek advice and assistance from another
15 law-enforcement agency, but that statute that you referred
16 to is a criminal statute, so the Court.

17 MR. WATERS: Can't do anything on it.

18 THE COURT: Right. I don't investigate allegations of
19 crimes, the police do.

20 MR. WATERS: But a duty is to protect litigants in the
21 court.

22 THE COURT: And how is it that I have not protected
23 you?

24 MR. WATERS: Well, certainly my right to be heard as
25 far as --

1 THE COURT: I allowed you to be heard today, right?

2 MR. WATERS: I did because they didn't harass me as bad
3 in the last few days I did do better today as the last two
4 times, but even like I listened to the tape, and, yeah
5 today I guess I did do better, but in the past ones it's
6 just I've pitched to millionaire investors on several
7 occasions, and I've done several speech type things and so
8 it's just while my performance might've seemed decent for
9 me it was terrible, and it's because from them and I just
10 think that's unfair.

11 THE COURT: Well, so I'm just trying to boil it down to
12 its basic -- to your basic request. So you are alleging
13 you are not able to be adequately heard because you are not
14 represented by counsel?

15 MR. WATERS: Because my competence is being damaged by
16 the defendants then it's -- I'm not being represented by
17 competent counsel. So at times -- and so as the standby
18 counsel when I asked for that it would only be as needed
19 where say if they don't harass me at all then I don't need
20 it, fine. But if they're over the last two weeks when I
21 was not able to write a thing, then if it's during that
22 time when they're harassing me heavy, then I may need
23 counsel. I'm not looking for somebody to take over the
24 case, and honestly every lawyer I've talked to they pretty
25 much -- I mean besides David Fromm, nobody can even help me

1 with this. They just go you're doing great. Keep it up.
2 Seriously, David Fromm is the only one I've gotten decent
3 advice from or helpful.

4 THE COURT: So if you are asking the Court to appoint
5 you without a right to counsel, you are going to need to
6 file a motion to that effect to the Court. I realize you
7 put some of these requests in your opposition to to the
8 summary judgment motion, but that was not provided -- it's
9 not a direct response to the motion for summary judgment,
10 it wasn't provided to counsel in a timely manner and so in
11 order to allow them an opportunity to be heard on a motion
12 before the Court --

13 MR. WATERS: But that's what they did last time to me,
14 so I figured if they could do it to me why shouldn't I be
15 able to do it to them.

16 THE COURT: Okay. It's best if you don't interrupt me
17 when I'm trying to instruct you. When you say they did it
18 to you, I don't understand what you mean.

19 MR. WATERS: The summary judgment motion, they showed
20 up and he handed me the summary judgment motion and he
21 handed me the motion to dismiss, and actually, you had
22 already gotten a motion to dismiss ex parte and you had
23 already read it, but I did not and so when I got it I was
24 under so much emotional distress I could not even read it.
25 So I didn't even get any chance to look at it at all, and

1 we argued it and now you're saying that if we can't argue
2 it because of what they did, I don't know I'm --

3 THE COURT: Calm down, calm down.

4 MR. WATERS: He wins.

5 THE COURT: No, no, calm down. Calm down. The motion
6 to dismiss was never heard until today, so what I'm saying
7 is maybe he didn't give you sufficient notice of that
8 motion, but it was not forced to a hearing until today, and
9 in the interim I allowed your motion, which converted it
10 from a motion to dismiss, to a motion for summary judgment.
11 So my point to you was that even though your opposition
12 today, which the Court received yesterday, counsel received
13 today, addresses that you want counsel or that you want
14 some sort of order of the Court injunction, he's not
15 prepared to argue that today, and it's not a motion that's
16 properly before the Court. So all I'm asking is if that's
17 a request that you do have, in addition, you know, this
18 motion for summary judgment is separate from that, but if
19 that's a request that you do have, you need to file a
20 motion to that request -- to that effect and the Court will
21 address it.

22 So I understand that we talked about it today, but
23 there's no motion before the Court to appoint you counsel.
24 If that's what you're asking, then you need to file a
25 motion to that effect, or if you're asking for some sort of

1 protective order then that needs to be requested.

2 MR. WATERS: Honestly, I'm under so much emotional
3 distress I'm probably just going to take off for Florida,
4 and I'll come back when I'm able. He wins for now. Can we
5 end this?

6 THE COURT: Is there anything further you wanted to
7 say?

8 MR. CHRISANTHOPOULOS: I hate to prolong it, Judge, but
9 I do want to address one thing that he mentioned because we
10 had an agreement with the Court about releasing his
11 address. If it was indeed published, I would like to know
12 that. I have gone through great pains to make sure that
13 his address had not been placed anywhere including all
14 letters to him, all certificates of service, so if it is
15 out there, I would ask that he tell me and we can remove
16 it.

17 MR. WATERS: It was included -- it just with the police
18 report, but and it was darkened out, but it wasn't darkened
19 out that somebody couldn't see it. It was made so that
20 somebody could see, they would just have to.

21 THE COURT: The police report that was filed as a
22 supplemental exhibit?

23 MR. WATERS: Probably, yeah.

24 THE COURT: So it was redacted but you're indicating it
25 wasn't a dark enough redaction?

1 MR. WATERS: Correct.

2 THE COURT: Is that the California address or a local
3 address?

4 MR. WATERS: So I guess it was actually out of a
5 narrative I want to say, and it's just the fact that he was
6 arresting me there, and it's just. So it doesn't actually
7 list me as that's my address, but it's still just connected
8 with the case. I mean, and the CD --

9 THE COURT: And that's not where you live. The place
10 where you were rested is not where you --

11 MR. WATERS: It was a secondary place where I was
12 staying, yeah.

13 THE COURT: But you no longer live there.

14 MR. WATERS: Well, no, that's where I was staying, yes,
15 that's where I am staying. I don't know. I don't know.
16 There's the East Longmeadow house and there's that house,
17 and mostly I've been staying in Palmer, but it's -- I don't
18 know.

19 THE COURT: Okay. I'm not sure I can find on this
20 report which address you're talking about. I do see on the
21 first page which is the application for a criminal
22 complaint it lists your Anderson, California address.

23 MR. WATERS: Correct.

24 THE COURT: But --

25 MR. WATERS: And that's not the issue, no. It's the

1 Maple Street address.

2 MR. CHRISANTHOPOULOS: Judge, he gave us a Palmer
3 address, and it's not anywhere that I am aware of.

4 MR. WATERS: I can deal with it with counsel after. I
5 can show it to him, and if he feels like he wants to take
6 it down he can. Like I said, I'm going to go forward. I'm
7 not worried about this at the moment.

8 MR. CHRISANTHOPOULOS: Judge, I --

9 THE COURT: The motion for -- oh, I'm sorry.

10 MR. CHRISANTHOPOULOS: I'll let you finish.

11 THE COURT: No, the motion for summary judgment is
12 under advisement, and any subsequent motions you wish to
13 file requesting something from the Court can be filed
14 according to 9A, and the Court will entertain it at the
15 time. Anything further?

16 MR. WATERS: I mean, no, I mean if I can get a break
17 from having to deal with the motion for a week or two, that
18 would be a great.

19 THE COURT: Well, there's no deadline. This will be
20 under advisement until I've had an opportunity to write a
21 decision on it, and any motion that you wish to file can be
22 filed at your convenience.

23 MR. WATERS: Thank you.

24 MR. CHRISANTHOPOULOS: Thank you, Judge.

25 THE COURT: All right. Thank you.

1 (Court in recess.)

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C E R T I F I C A T I O N

I, CHRISTINE D. BLANKENSHIP, NOTARY PUBLIC, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND ACCURATE TRANSCRIPT FROM THE RECORD OF THE COURT PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

I, CHRISTINE D. BLANKENSHIP, FURTHER CERTIFY THAT THE FOREGOING IS IN COMPLIANCE WITH THE ADMINISTRATIVE OFFICE OF THE TRIAL COURT DIRECTIVE ON TRANSCRIPT FORMAT.

I, CHRISTINE D. BLANKENSHIP, FURTHER CERTIFY THAT I NEITHER AM COUNSEL FOR, RELATED TO, NOR EMPLOYED BY ANY OF THE PARTIES TO THE ACTION IN WHICH THIS HEARING WAS TAKEN, AND FURTHER THAT I AM NOT FINANCIALLY NOR OTHERWISE INTERESTED IN THE OUTCOME OF THIS ACTION.

Christine D. Blankenship, November 22, 2019

CHRISTINE D. BLANKENSHIP, NOTARY PUBLIC
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