

**COMMONWEALTH OF MASSACHUSETTS
APPEALS COURT**

No. 2022-P-1105

**RIAN WATERS,
Appellant
v.**

**AIDAN KEARNEY,
WORCESTER DIGITAL MARKETING LLC
Appellee**

HAMPDEN COUNTY SUPERIOR COURT# 1879CV00344

Record Appendix

Filed Pro se by Rian Waters

Rian Waters
(530)739-8951

Watersrian@gmail.com

12/14/2022

I. Record Appendix

- Docket entries.....RA 4-17
- Memorandum in support of Motion to reconsiderRA 18-20
- Affidavit of Rian Waters 12/3/2018.....RA 21-23
- Court’s denial of 1st TRO/PI motion.....RA 24
- Court’s second denial of an injunction.....RA 25
- Court’s summary judgment decision.....RA 26-38
- Affidavit of Rian Waters with motion for protection order.....
9/30/2020.....RA 39-47
- Motion for protection order and decision. RA 48
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- Ex parte motion to attach Defendant’s Bank accounts....RA 50-51
- Memorandum in support of motion to attach Defendant’s.....
Bank accounts..... RA 52-55
- Affidavit of Rian Water 10/28/2021 RA 56-57
- Worcester Digital Marketing SOS Business entity
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- Screenshot of Checkout screen showing Kearney was.
still using WDM’s bank account.....RA 60-62
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- Defendants Exhibits 1-4 opposing attachment.....RA 67-75
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- Exhibit B with motion for sanctions.RA 103-104
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- Affidavit of Rian Waters 4/6/2022RA 112-118
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- Exhibit F group chat screenshots.....RA 122-125
- Exhibit G email correspondence with Kearney.RA 126-130
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- My opposition to Kearney’s motion.....RA 132
- Motion for TRO, Preliminary injunction, and consolidation.....
With trial on the merits. With decision.RA 133-136
- Memorandum in support of motion for a TRORA 137-169
- Exhibit E passage from “I am Turtleboy”RA 170-171
- Affidavit of Rian Waters 6/9/2022RA 172-177
- Witness subpoena for Aidan Kearney 6/17/2022RA 178-179
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- Court’s denial of injunction, and consolidation..... RA 185
- Court’s denial of sanctionsRA 186
- Court’s order of dismissalRA 187-188
- Notice of Appeal.....RA 189-190

11/17/22, 1:34 PM

Case Details - Massachusetts Trial Court 5

1879CV00344 Waters, Rian vs. Kearney, Aidan et al

- Case Type:
- Torts
- Case Status:
- Open
- File Date
- 05/10/2018
- DCM Track:
- A - Average
- Initiating Action:
- Defamation
- Status Date:
- 06/27/2019
- Case Judge:
-
- Next Event:
-

All Information Party Event Tickler Docket Disposition

Party Information

Waters, Rian
- Plaintiff

Alias

Party Attorney

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

[More Party Information](#)

Kearney, Aidan
- Defendant

Alias

Party Attorney

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

[More Party Information](#)

Worcester Digital Marketing LLC
- Defendant

Alias

Party Attorney

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

[More Party Information](#)

Turtleboy Enterprises LLC
- Defendant

Alias

Party Attorney[More Party Information](#)

Cardin, Samantha
- Defendant

Alias

Party Attorney

RA 004

11/17/22, 1:34 PM

Case Details - Massachusetts Trial Court 5

[More Party Information](#)Does 1-10, John
- Defendant

Alias

Party Attorney

[More Party Information](#)**Events**

<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
11/20/2018 02:00 PM	Civil A - Ct. Rm. 4		Motion Hearing		Held as Scheduled
01/09/2019 02:00 PM	Civil A - Ct. Rm. 4		Motion Hearing		Held as Scheduled
01/15/2019 02:00 PM	Civil A - Ct. Rm. 4	SPRF-2nd FL, CR 7 (SC)	Hearing on Preliminary Injunction	Mulqueen, Hon. Jane E	Rescheduled
01/17/2019 02:00 PM	Civil A - Ct. Rm. 4	SPRF-2nd FL, CR 7 (SC)	Hearing on Preliminary Injunction	Mulqueen, Hon. Jane E	Decision rendered
02/19/2019 02:00 PM	Civil A - Ct. Rm. 4	SPRF-2nd FL, CR 7 (SC)	Rule 12 Hearing	Mulqueen, Hon. Jane E	Rescheduled
03/12/2019 02:00 PM	Civil A - Ct. Rm. 4		Rule 56 Hearing		Held - Under advisement
10/26/2020 02:00 PM	Civil A - Ct. Rm. 4		Pre-Trial Conference		Canceled
11/19/2020 12:00 PM	Civil A - Ct. Rm. 4	SPRF-3rd FL, CR 5 (SC)	Motion Hearing	Ferrara, Hon. John S	Held - Under advisement
11/23/2021 02:00 PM	Civil A - Ct. Rm. 4	SPRF-3rd FL, CR 4 (SC)	Hearing on Motion for Attachment	Hodge, Hon. David	Canceled
12/02/2021 02:00 PM	Civil A - Ct. Rm. 4	SPRF-3rd FL, CR 4 (SC)	Motion Hearing	Hodge, Hon. David	
03/22/2022 02:00 PM	Civil A - Ct. Rm. 4	SPRF-3rd FL, CR 4 (SC)	Motion Hearing	Manitsas, Hon. James M	Held as Scheduled
06/28/2022 02:00 PM	Civil A - Ct. Rm. 4	SPRF-3rd FL, CR 1 (SC)	Motion Hearing		Rescheduled
08/30/2022 02:00 PM	Civil A - Ct. Rm. 4	SPRF-3rd FL, CR 4 (SC)	Motion Hearing	Callan, Hon. Michael K	Held as Scheduled
08/30/2022 02:00 PM	Civil A - Ct. Rm. 4	SPRF-3rd FL, CR 4 (SC)	Final Pre-Trial Conference	Callan, Hon. Michael K	Held as Scheduled

Ticklers

<u>Tickler</u>	<u>Start Date</u>	<u>Due Date</u>	<u>Days Due</u>	<u>Completed Date</u>
Service	05/10/2018	08/08/2018	90	
Answer	05/10/2018	09/07/2018	120	
Rule 12/19/20 Served By	05/10/2018	09/07/2018	120	06/27/2019
Rule 12/19/20 Filed By	05/10/2018	10/09/2018	152	06/27/2019
Rule 12/19/20 Heard By	05/10/2018	11/06/2018	180	06/27/2019
Rule 15 Served By	05/10/2018	07/05/2019	421	06/27/2019
Rule 15 Filed By	05/10/2018	08/05/2019	452	06/27/2019
Rule 15 Heard By	05/10/2018	08/05/2019	452	06/27/2019
Discovery	05/10/2018	04/29/2020	720	06/27/2019
Rule 56 Served By	05/10/2018	05/29/2020	750	06/27/2019
Rule 56 Filed By	05/10/2018	06/29/2020	781	06/27/2019
Final Pre-Trial Conference	05/10/2018	10/26/2020	900	06/27/2019

RA 005

<u>Tickler</u>	<u>Start Date</u>	<u>Due Date</u>	<u>Days Due</u>	<u>Completed Date</u>
Judgment	05/10/2018	05/10/2021	1096	06/27/2019
Under Advisement	01/17/2019	02/16/2019	30	02/08/2019
Under Advisement	03/12/2019	04/11/2019	30	
Under Advisement	11/19/2020	12/19/2020	30	

Docket Information

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
05/10/2018	Attorney appearance On this date Pro Se added for Plaintiff Rian Waters		
05/10/2018	Case assigned to: DCM Track A - Average was added on 05/10/2018		Image
05/10/2018	Affidavit of Indigency and request for waiver substitution of state payment of fees and costs filed Supplemental affidavit	1	
05/16/2018	Determination regarding normal fees and costs ALLOWED FORTHWITH by Clerk waived in full , pursuant to G. L. c. 261, § 27C(2). Judge: Moore, Daphne G	2	
05/16/2018	Original civil complaint filed.	3	Image
05/16/2018	Civil action cover sheet filed.	4	
05/16/2018	Demand for jury trial entered.		
06/01/2018	Service Returned for Defendant Kearney, Aidan: Service made in hand;	5	Image
06/01/2018	Service Returned for Defendant Worcester Digital Marketing LLC: Service made in hand;	6	Image
06/01/2018	Service Returned for Defendant Turtleboy Enterprises LLC: Service made in hand;	7	Image
06/01/2018	Amended: original complaint filed by Rian Waters	8	Image
06/14/2018	Service Returned for Defendant Cardin, Samantha: Service made in hand;	9	Image
07/20/2018	Certificate of service of attorney or Pro Se: Pro Se Applies To: Waters, Rian (Plaintiff)	10	Image
09/13/2018	Rian Waters's request for Default 55(a) Applies To: Cardin, Samantha (Defendant)	11	
09/13/2018	Rian Waters's request for Default 55(a) Applies To: Kearney, Aidan (Defendant); Worcester Digital Marketing LLC (Defendant); Turtleboy Enterprises LLC (Defendant)	12	
09/18/2018	Entered as to: Defendant Cardin, Samantha Aidan Kearney Worcester Digital Marketing LLC and Turtleboy Enterprises LLC: Defaulted by 55(a) request;	13	
09/18/2018	Document: A Default order Mass. R. Civ. P. 55(a) was generated and sent to: Plaintiff: Rian Waters Attorney: Pro Se Defendant: Aidan Kearney Defendant: Worcester Digital Marketing LLC Defendant: Turtleboy Enterprises LLC Defendant: Samantha Cardin		
09/25/2018	Defendants Aidan Kearney, Worcester Digital Marketing LLC, Turtleboy Enterprises LLC's EMERGENCY Motion to remove the default and request for leave to file answer late	14	Image

RA 006

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
09/25/2018	Aidan Kearney, Worcester Digital Marketing LLC, Turtleboy Enterprises LLC's Memorandum in support of their emergency motion to remove the default and request for leave to file answer late	14.1	Image
09/28/2018	Endorsement on Motion to remove the default and request for leave to file answer late (#14.0): DENIED (9/28/18 Def. notified via email. Please mail to plaintiff Asst. Clerk Walsh) Judge: Mason, Hon. Mark D Applies To: Kearney, Aidan (Defendant); Worcester Digital Marketing LLC (Defendant); Turtleboy Enterprises LLC (Defendant)		Image
09/28/2018	Attorney appearance On this date Kevin Chrisanthopoulos, Esq. added for Defendant Aidan Kearney		
09/28/2018	Attorney appearance On this date Kevin Chrisanthopoulos, Esq. added for Defendant Worcester Digital Marketing LLC		
09/28/2018	Attorney appearance On this date Kevin Chrisanthopoulos, Esq. added for Defendant Turtleboy Enterprises LLC		
10/18/2018	Defendants Aidan Kearney, Worcester Digital Marketing LLC, Turtleboy Enterprises LLC's EMERGENCY Motion to remove Default and File Answer Late	15	Image
10/18/2018	Aidan Kearney, Worcester Digital Marketing LLC, Turtleboy Enterprises LLC's Memorandum in support of emergency motion to remove the default and request for leave to file answer late	15.1	Image
10/18/2018	Affidavit of compliance with Superior Court Rule 9A Applies To: Chrisanthopoulos, Esq., Kevin (Attorney) on behalf of Kearney, Aidan, Turtleboy Enterprises LLC, Worcester Digital Marketing LLC (Defendant)	15.2	Image
10/18/2018	Opposition to to defendants' Aidan Kearney, Worcester Digital Marketing LLC, and Turtleboy Enterprises LLC emergency motion to remove default and request for filing late answer filed by Rian Waters Applies To: Chrisanthopoulos, Esq., Kevin (Attorney) on behalf of Kearney, Aidan, Turtleboy Enterprises LLC, Worcester Digital Marketing LLC (Defendant)	15.3	Image
10/18/2018	Plaintiff Rian Waters's Motion for default judgment vs. defts., Aidan Kearney, Worcester Digital Marketing, LLC and Turtleboy Enterprises, LLC.	16	Image
10/18/2018	Plaintiff Rian Waters's Motion for default judgment vs. deft., Samantha Cardin.	17	Image
10/19/2018	Endorsement on Motion to remove default and request for leave to file answer late (#15.0): Other action taken To the Clerk - Please schedule for hearing, which does not have to occur on an expedited basis. Judge: Sweeney, Hon. Constance M		
10/22/2018	The following form was generated: Notice to Appear for motion hearing on Tuesday, November 20, 2018 @ 2:00 pm re Defts., Aidan Kearney, Worcester Digital Marketing, LLC and Turtleboy Enterprises, LLC to remove the default and request for leave to file answer late. Sent On: 10/22/2018 12:01:12	18	
11/20/2018	Endorsement on Motion to remove default and file answer late (#15.0): ALLOWED After hearing, the motion is allowed. However, counsel for the moving parties must file an answer on their behalf no later than 11/26/18. (faxed & mailed 11/21/18) Judge: Sweeney, Hon. Constance M		Image
11/20/2018	Event Result:: Motion Hearing scheduled on: 11/20/2018 02:00 PM Has been: Held as Scheduled Hon. Constance M Sweeney, Presiding Appeared: Staff: Daphne G Moore, Assistant Clerk Magistrate		
11/26/2018	Received from Defendant Kearney, Aidan: Answer with claim for trial by jury;	19	Image
11/26/2018	Received from Defendant Worcester Digital Marketing LLC: Answer with claim for trial by jury;	19	Image
11/26/2018	Received from Defendant Turtleboy Enterprises LLC: Answer with claim for trial by jury;	19	Image

RA 007

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
11/28/2018	Received from Defendant Kearney, Aidan: Answer with claim for trial by jury;	20	Image
11/28/2018	Received from Defendant Worcester Digital Marketing LLC: Answer with claim for trial by jury;	20	
11/28/2018	Received from Defendant Turtleboy Enterprises LLC: Answer with claim for trial by jury;	20	
12/06/2018	Request for hearing filed on Assessment of Damages and for Default Judgment against Defendant, Samantha Cardin, and damage request Applies To: Waters, Rian (Plaintiff)	20.1	
12/10/2018	Received from Defendant Kearney, Aidan: Answer to amended complaint;	21	Image
12/10/2018	Received from Defendant Worcester Digital Marketing LLC: Answer to amended complaint;	21	Image
12/10/2018	Received from Defendant Turtleboy Enterprises LLC: Answer to amended complaint;	21	Image
12/14/2018	Rian Waters's MOTION for reconsideration of Court Order dated 11/20/2018 re: paper #15.0. Motion to remove default and file answer late	22	
12/14/2018	Rian Waters's Memorandum in support of Plaintiff's motion to reconsider Defendants motion to remove default and file answer late	22.1	Image
12/14/2018	Opposition to (P#22) motion to reconsider Defendants Motion to remove default and request for filing a late answer filed by Worcester Digital Marketing LLC, Turtleboy Enterprises LLC	22.2	Image
12/21/2018	Rian Waters's Motion for leave to amend complaint for second time.	23	
12/26/2018	Endorsement on Motion for Leave to Amend the Complaint (#23.0): ALLOWED (Mailed 12/26/18)		Image
12/26/2018	Amended: original complaint filed by Rian Waters (Second Amended)	24	Image
01/02/2019	Plaintiff Rian Waters's EMERGENCY Motion for temporary restraining order and preliminary injunction.	25	
01/02/2019	Endorsement on Motion of Plaintiff, Rian Waters Emergency Motion for a Temporary Restraining Order and Preliminary Injunction (#25.0): Summons and Order of Notice to issue for 1/15/2019 @ 2:00 p.m.- in hand		Image
01/04/2019	Affidavit of Indigency and request for waiver substitution of state payment of fees and costs filed without Supplemental affidavit for service on Short Order of Notices. (In Civil Vault)	30	
01/04/2019	Determination regarding normal and extra fees and costs ALLOWED FORTHWITH by Clerk waived in full , pursuant to G. L. c. 261, § 27C(2). as to service on the Short Order of Notice (Lois Cignoli, Asst Clerk Magistrate) - m.	31	
01/08/2019	Plaintiff Rian Waters's EMERGENCY Motion to convert Default Judgment hearing into a Temporary Restraining Order hearing.	32	
01/09/2019	Event Result:: Motion Hearing scheduled on: 01/09/2019 02:00 PM Has been: Held as Scheduled Comments: FTR - Court Room 7 Hon. Jane E Mulqueen, Presiding Appeared: Staff: Lois Cignoli, Assistant Clerk Magistrate		
01/09/2019	Endorsement on Motion of Plaintiff, Rian Waters for Default Judgment M.R.C.P. 55(B)(2) (#17.0): Other action taken Motion is withdrawn.		Image
01/09/2019	Endorsement on Motion to convert default judgment hearing into temporary restraining order hearing (#32.0): DENIED Mailed 1/10/2019		Image
01/10/2019	Endorsement on Motion for reconsideration (#22.0): DENIED Reconsideration Denied. Dated 1/7/2019 Mailed 1/10/2019		Image

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
01/11/2019	Endorsement on Motion of Plaintiff, Rian Water's motion to reconsider Defendants motion to remove default and request for filing a late answer. (#22.0): DENIED as Moot. (Dated 1/9/2019) (Endorsed on copy sent)		Image
01/11/2019	Endorsement on Motion of Plaintiff, Rian Waters for Default Judgment against the Defendant, Samantha Cardin. (#17.0): Other action taken (dated 1/9/2019) Motion is Withdrawn.		Image
01/14/2019	Event Result:: Hearing on Preliminary Injunction scheduled on: 01/15/2019 02:00 PM Has been: Rescheduled For the following reason: By Court prior to date Hon. Jane E Mulqueen, Presiding Appeared: Staff: Lois Cignoli, Assistant Clerk Magistrate		
01/14/2019	Plaintiff Rian Waters's EMERGENCY Motion for leave to file late appeal or report matter.	33	Image
01/14/2019	Endorsement on Motion of Plaintiff, Rian Waters for leave to file late appeal or report matter. (#33.0): Other action taken The court will not entertain a motion to appeal filed in anticipation of a ruling. The motion for preliminary injunction has not yet been heard. Judge: Mulqueen, Hon. Jane E		
01/16/2019	Opposition to Plaintiff's motion for Preliminary Injunction filed by Aidan Kearney, Worcester Digital Marketing LLC, Turtleboy Enterprises LLC	34	Image
01/16/2019	Short Order of Notice, returned SERVED (#26) Applies To: Kearney, Aidan (Defendant)	35	Image
01/16/2019	Defendants's Notice of intent to file motion to dismiss Applies To: Chrisanthopoulos, Esq., Kevin (Attorney) on behalf of Kearney, Aidan, Turtleboy Enterprises LLC, Worcester Digital Marketing LLC (Defendant)	36	
01/17/2019	Matter taken under advisement: Hearing on Preliminary Injunction scheduled on: 01/17/2019 02:00 PM Has been: Held - Under advisement Comments: FTR - Court Room 7 Hon. Jane E Mulqueen, Presiding Appeared: Staff: Lois Cignoli, Assistant Clerk Magistrate		
01/17/2019	Notice of appeal filed. Applies To: Waters, Rian (Plaintiff)	37	
01/18/2019	Clarification / Correction of the docket: Plaintiff, Rian Waters, request for clarification	38	
01/28/2019	Affidavit of Indigency and request for waiver substitution of state payment of fees and costs filed without Supplemental affidavit for copy of Cassette/tape recording of proceeding.	39	
01/29/2019	Plaintiff Rian Waters's Request for Cassette with recording of the November 20, 2018 hearing.	40	
01/29/2019	Endorsement on Request of Plaintiff, Rian Waters for Cassette of the November 20, 2018 hearing. (#40.0): ALLOWED to be provided on whatever standard format FTR provides.		Image
01/29/2019	Determination regarding extra fees and costs ALLOWED FORTHWITH by Clerk waived in full , pursuant to G. L. c. 261, § 27C(2). (Mike Sarnacki, Asst. Clerk)	41	
01/31/2019	Self-Represented Plaintiff Rian Waters's EMERGENCY Motion for impoundment.	42	Image
01/31/2019	Rian Waters's Memorandum in support of Plaintiff's emergency motion for impoundment.	42.1	Image
02/04/2019	Defendants Aidan Kearney, Worcester Digital Marketing LLC, Turtleboy Enterprises LLC's Motion to dismiss the plaintiff's second amended complaint	43	Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
02/04/2019	Aidan Kearney, Worcester Digital Marketing LLC, Turtleboy Enterprises LLC's Memorandum in support of their motion to dismiss	43.1	Image
02/04/2019	Opposition to defendant's motion to dismiss filed by Rian Waters Applies To: Waters, Rian (Plaintiff)	43.2	Image
02/04/2019	Affidavit of counsel	43.3	Image
02/08/2019	Endorsement on Motion for impoundment (#42.0): Other action taken This matter is not an emergency, subsequent filing to be done in accordance with Rule 9A. (dated 2/1/19 & m 2/8/19) Judge: Mulqueen, Hon. Jane E		
02/08/2019	Endorsement on Motion for a temporary restraining order and preliminary injunction (#25.0): DENIED After hearing and careful and thorough consideration of the submissions and arguments of the parties, the court finds neither a likelihood of success on the merits nor that irreparable harm will result from denial of the injunction. (d. 2/19/19 & m. 2/8/19) Judge: Mulqueen, Hon. Jane E		Image
02/08/2019	Endorsement on Request for clarification (#38.0): Other action taken As the court will accept and consider the affidavits submitted by defendants in support of their Rule 12(b) (6) motion constituting "matters outside the pleadings" the court will treat the motion as a motion for summary judgment under Rule 56. See Williams v. Episcopal Diocese of Mass., 436 Mass 574, 577 n.2 (2002). Parties have until March 11 to file further materials, they wish the court to consider and the matter is to be scheduled for a hearing on or before April 10, 2019. (dated 2/1/19 & mailed 2/8/19)		Image
02/19/2019	Other RecordsVCA Boston Road Animal Hospital Records re: Luna and Criminal Complaint and Police Report from Palmer Police Department received from Attorney Kevin Chrisanthopoulos Supplemental Exhibits for Defendants' Motion to Dismiss. (#43)		
02/19/2019	Event Result:: Rule 12 Hearing scheduled on: 02/19/2019 02:00 PM Has been: Rescheduled For the following reason: By Court prior to date Comments: per Court to be remarked prior to Hon. Jane E Mulqueen, Presiding Appeared: Staff: Terrence C Ginley, Assistant Clerk Magistrate		
03/11/2019	Brief filed: Supplementary for motion to dismiss/summary judgment Applies To: Waters, Rian (Plaintiff)	44	Image
03/11/2019	Affidavit of Rian Waters	44.1	
03/12/2019	Matter taken under advisement: Rule 56 Hearing scheduled on: 03/12/2019 02:00 PM Has been: Held - Under advisement Hon. Jane E Mulqueen, Presiding Appeared: Staff: Brian Dolaher, Assistant Clerk Magistrate		
03/18/2019	Plaintiff Rian Waters's Motion for Leave to Amend the Complaint.	45	Image
03/21/2019	Transcript received on the November 20, 2018 hearing	46	
04/25/2019	Plaintiff Rian Waters's Motion to reconsider preliminary injunction	47	Image
04/25/2019	Rian Waters's Memorandum in support of Emergency Motion to Reconsider Preliminary Injunction	47.1	Image
06/11/2019	Affidavit of Indigency and request for waiver substitution of state payment of fees and costs filed without Supplemental affidavit	48	
06/11/2019	Determination regarding normal and extra fees and costs DENIED by judge , pursuant to G. L. c. 261, § 27C(2). Judge: Mulqueen, Hon. Jane E	49	Image
06/13/2019	Endorsement on Motion of Plaintiff, Rian Waters to reconsider preliminary injunction. (Emergency) (#47.0): DENIED (dated 6/12/2019) After review, the court finds that the additional submission does not alter the courts original finding that there is no likelihood of success on the merits.		Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
06/18/2019	Endorsement on Motion to dismiss (#43.0): ALLOWED memorandum of decision and order (m. 6/20/19)		Image
06/18/2019	Endorsement on Motion for leave to amend the complaint (#45.0): DENIED m. 6/20/19 Judge: Mulqueen, Hon. Jane E		Image
06/20/2019	MEMORANDUM & ORDER: on defendants' motion for summary judgment (m.6/20/19) Judge: Mulqueen, Hon. Jane E m. 6/20/19	50	Image
06/27/2019	SUMMARY JUDGMENT for Defendant(s), Aidan Kearney, Worcester Digital Marketing LLC, Turtleboy Enterprises LLC against Plaintiff(s), Rian Waters, without statutory costs.It is ORDERED and ADJUDGED: The Plaintiff's Complaint is hereby DISMISSED against the Defendants. Judge: Mulqueen, Hon. Jane E	51	Image
07/03/2019	Notice of appeal filed. Applies To: Waters, Rian (Plaintiff)	52	
07/03/2019	Affidavit of Indigency and request for waiver substitution of state payment of fees and costs filed without Supplemental affidavit re: cassette copies of hearings 1/9/19, 1/17/19 and 3/12/19	53	
07/08/2019	JUDGMENT OF DISMISSAL (1-88) entered, service not completed for any party by deadline review. Applies To: Does 1-10, John (Defendant)	54	Image
07/08/2019	Document: A Judgment of Dismissal 1-88 was generated and sent to: Plaintiff: Rian Waters Attorney: Kevin Chrisanthopoulos, Esq.		
07/08/2019	Event Result:: Pre-Trial Conference scheduled on: 10/26/2020 02:00 PM Has been: Canceled For the following reason: Case Disposed Unassigned, Presiding		
07/09/2019	Determination regarding extra fees and costs ALLOWED by judge waived in full , pursuant to G. L. c. 261, § 27C(2). Costs of obtaining cassette copies of 1/17/19, 1/9/19 and 3/12/19 is allowed. (mailed 7/10/19)	55	Image
08/05/2019	Affidavit of Indigency and request for waiver substitution of state payment of fees and costs filed without Supplemental affidavit for written transcripts of 1/9/19, 1/17/19 & 3/12/19	56	
08/12/2019	Determination regarding extra fees and costs ALLOWED by judge , pursuant to G. L. c. 261, § 27C(2). Costs of transcript (mailed 8/13/19) Judge: Sweeney, Hon. Constance M	57	Image
11/19/2019	Plaintiff Rian Waters's Motion to declare notice of appeal valid	58	Image
11/19/2019	Rian Waters's Memorandum in support of his motion to declare notice of appeal valid	58.1	Image
11/19/2019	Rule 9A notice of filing	58.2	Image
11/20/2019	Endorsement on Motion to declare notice of appeal valid (#58.0): DENIED without prejudice to refiling. No affidavit of compliance was filed with this motion though it was listed on the "Notice of Filing" with the motion. (mailed 11/20/19) Judge: Ferrara, Hon. John S		Image
12/09/2019	Plaintiff Rian Waters's Motion to declare notice of appeal valid	59	Image
12/09/2019	Rian Waters's Memorandum in support of his motion to declare notice of appeal valid	59.1	Image
12/09/2019	Affidavit of compliance with Superior Court Rule 9A Applies To: Waters, Rian (Plaintiff)	59.2	Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
12/09/2019	Rule 9A notice of filing	59.3	Image
12/13/2019	Endorsement on Motion to declare notice of appeal valid (#59.0): ALLOWED (dated 12/11/19) for the reasons set forth in plaintiff's supporting memorandum and after review of the case file. See pleading. (mailed 12/13/19) Judge: Ferrara, Hon. John S		Image
12/30/2019	CD of Transcript of 01/09/2019 02:00 PM Motion Hearing, 01/17/2019 02:00 PM Hearing on Preliminary Injunction, 03/12/2019 02:00 PM Rule 56 Hearing received from Christine D Blankenship. 3 paper volumes	60	
01/13/2020	Notice of assembly of record sent to Counsel	61	
01/13/2020	Notice to Clerk of the Appeals Court of Assembly of Record	62	
01/13/2020	Appeal: Statement of the Case on Appeal (Cover Sheet).	63	
01/27/2020	Appeal entered in Appeals Court on 01/21/2020 docket number 2020-P-0088	64	Image
06/25/2020	Plaintiff(s) Rian Waters EMERGENCY motion filed for a harassment order and witness protection order	65	Image
06/25/2020	Rian Waters's Memorandum in support of plaintiff's emergency motion for a harassment order and witness protection order with exhibits	65.1	Image
06/25/2020	Endorsement on Motion for a Harassment Order and Witness Protection Order (Emergency) (#65.0): DENIED without prejudice to re-filing pursuant to Superior Court Rule 9A. (e-mailed 6-25-20)		Image
06/26/2020	Rian Waters's MOTION for reconsideration of Court Order dated 06/25/2020 re: paper #65.0. (referred to Ferrara, J.)	66	Image
06/29/2020	Endorsement on Motion to reconsider 9d (#66.0): DENIED However, service of the motion and any response may be made by email, with a copy simultaneously sent to the court so that the language of the email transmissions, as well as the attachments will be known to the court. (emailed 6/29/20)		
10/21/2020	Plaintiff(s) Rian Waters motion filed for protective order	67	Image
10/21/2020	Rian Waters's Memorandum in support of plaintiff's motion to have his case heard with some conformity to the laws.	67.1	Image
10/21/2020	Affidavit of Rian Waters	67.2	Image
10/21/2020	Request for hearing filed Applies To: Chrisanthopoulos, Esq., Kevin (Attorney) on behalf of Kearney, Aidan (Defendant)	67.3	Image
10/28/2020	Endorsement on motion for protective order (#67.0): Other action taken Please schedule for hearing via Zoom on a date convenient to the parties. (mailed 12/22/20) Judge: Ferrara, Hon. John S		Image
11/19/2020	Matter taken under advisement: Motion Hearing scheduled on: 11/19/2020 12:00 PM Has been: Held - Under advisement Comments: Conducted by Zoom; FTR - Remote; S. Adams - Monitor Hon. John S Ferrara, Presiding Staff: Lois Cignoli, Assistant Clerk Magistrate		
12/22/2020	Endorsement on motion for protective order (#67.0): DENIED (dated 11/19/20) This matter is pending an appeal. There are no witnesses who will be appearing in the appellate proceedings. The issues raised in this motion have been previously raised, considered, and ruled upon prior to entry of summary judgment for defendant. (mailed 12/22/20) Judge: Ferrara, Hon. John S		Image
09/16/2021	Rescript received from Appeals Court; judgment REVERSED as to Count 4 of the Plaintiff's Second Amended Complaint stating a claim for libel based on the statements in Kearney's book that Waters sold drugs in California and shipped drugs to Massachusetts. In all other respects, the Judgment is AFFIRMED. The matter is remanded to the Superior Court for further proceedings consistent with the memorandum and order of the Appeals Court..	68	Image

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
09/21/2021	JUDGMENT/ORDER after Rescript: The original judgment (#51.0) is Reversed in part. Judgment REVERSED as to Count 4 of the Plaintiff's Second Amended Complaint stating a claim for libel based on the statements in Kearney's book that Waters sold drugs in California and shipped drugs to Massachusetts. In all other respects, the Judgment is AFFIRMED. The matter is remanded to the Superior Court for further proceedings consistent with the memorandum and order of the Appeals Court Judge: Mulqueen, Hon. Jane E	69	Image
10/28/2021	Plaintiff Rian Waters's EX PARTE Motion to Defendant's bank accounts	70	Image
10/28/2021	Rian Waters's Memorandum in support of Plaintiff's ex parte motion to attach Defendant's bank accounts	70.1	Image
10/28/2021	Affidavit of Rian Waters	70.2	Image
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11/15/2021	Endorsement on Motion to attach defendant's bank accounts (#70.0): Summons and Order of Notice to issue		Image
11/15/2021	Summons and order of notice issued on a EX PARTE Motion for an Attachment , returnable on 11/23/2021 02:00 PM Hearing on Motion for Attachment. VIA ZOOM Judge Hodge Meeting ID: 161 0474 2055 Passcode: 780264 Judge: Hodge, Hon. David	72	Image
11/22/2021	Defendants Aidan Kearney, Worcester Digital Marketing LLC, Turtleboy Enterprises LLC's EMERGENCY Motion to continue hearing on plaintiff's amended Ex Parte motion to attach defendants' bank accounts	73	Image
11/22/2021	Endorsement on Motion to continue hearing on plaintiff's amended Ex Parte motion to attach defendants' bank accounts (#73.0): ALLOWED (em. 11/22/21)		Image
11/22/2021	Event Result:: Hearing on Motion for Attachment scheduled on: 11/23/2021 02:00 PM Has been: Canceled For the following reason: Request of Defendant Hon. David Hodge, Presiding Staff: Lois Cignoli, Assistant Clerk Magistrate		
11/22/2021	Opposition to EMERGENCY Motion to continue hearing on plaintiff's amended Ex Parte motion to attach defendants' bank accounts filed by Rian Waters	74	Image
11/22/2021	Plaintiff Rian Waters's EMERGENCY, EX PARTE Motion to prevent the transfer of assets	75	
11/22/2021	Plaintiff Rian Waters's EX PARTE, EMERGENCY Motion for impoundment (of p# 75)	76	Image
11/22/2021	Endorsement on Motion to continue hearing on plaintiff's amended Ex Parte motion to attach defendants' bank accounts filed by Rian Waters (#74.0): Other action taken The Defendant's motion hearing previously been ALLOWED, the Plaintiff may re-mark his motion with proper notice to all parties. (em, 11/22/21)		Image
11/23/2021	Endorsement on Motion to prevent the transfer of assets (#75.0): Summons and Order of Notice to issue Returnable 12-2-21 @ 2 p.m. by zoom.		Image
11/23/2021	Endorsement on Motion for impoundment (#76.0): ALLOWED Order of impoundment in effect until 12/02/21 unless extended by further order of the court. Judge: Hodge, Hon. David		Image
11/23/2021	Summons and order of notice issued on a EMERGENCY, EX PARTE Motion to prevent the transfer of assets, returnable on 12/02/2021 02:00 PM Motion Hearing. Applies To: Kearney, Aidan (Defendant)	77	

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
11/23/2021	Summons and order of notice issued on a EMERGENCY, EX PARTE Motion to prevent the transfer of assets, returnable on 12/02/2021 02:00 PM Motion Hearing. Applies To: Turtleboy Enterprises LLC (Defendant)	78	
11/23/2021	Summons and order of notice issued on a EMERGENCY, EX PARTE Motion to prevent the transfer of assets, returnable on 12/02/2021 02:00 PM Motion Hearing. Applies To: Worcester Digital Marketing LLC (Defendant)	79	
11/24/2021	Determination regarding normal fees and costs ALLOWED FORTHWITH by Clerk waived in full \$75.70, pursuant to G. L. c. 261, § 27C(2). three summonses and \$60.70 for serving short order summonses Judge: Roscoe, Stephanie A	80	Image
11/24/2021	Affidavit of Indigency and request for waiver substitution of state payment of fees and costs filed without Supplemental affidavit	79.1	
12/02/2021	Opposition to Plaintiff's Amended Ex Parte Motion to Attach Defendant's Bank Accounts filed by Aidan Kearney	81	Image
12/03/2021	Reply/Sur-reply Plaintiff's reply brief for his amended ex parte motion to attach defendant's bank accounts	82	Image
12/09/2021	Summons, returned SERVED (Summons and Order of Notice) (#77) Applies To: Kearney, Aidan (Defendant)		Image
12/22/2021	ORDER: on Plaintiff's Amended Motion to Attach Defendant's Bank Accounts. As such, the Plaintiff's Motion is hereby Denied. (See Pleading). (e-mailed & mailed 12/22/21)	83	Image
02/07/2022	Received from Defendant Kearney, Aidan: Answer to amended complaint; (Second)	84	Image
02/18/2022	Attorney Kevin Chrisanthopoulos, Esq.'s motion to withdraw as counsel of record for party Applies To: Kearney, Aidan (Defendant)	85	Image
02/18/2022	Opposition to Defendant's Motion to Withdraw as Counsel filed by Rian Waters	85.1	Image
02/18/2022	Affidavit of compliance with Superior Court Rule 9A Applies To: Chrisanthopoulos, Esq., Kevin (Attorney) on behalf of Kearney, Aidan (Defendant)	85.2	Image
02/23/2022	Endorsement on Motion to withdraw as counsel (#85.0): Other action taken Counsel is to mark motion for hearing any Tuesday or Wednesday at 2pm with proper notice to all parties. (emailed 2/24/22)		Image
03/01/2022	Plaintiff's Notice of intent to file motion to strike Applies To: Waters, Rian (Plaintiff)	86	Image
03/01/2022	Plaintiff Rian Waters's Motion to strike defendants' answer to count IV of Plaintiffs second amended complaint	87	Image
03/01/2022	Rian Waters's Memorandum in support of Motion to strike defendants' answer to count IV of Plaintiffs second amended complaint	87.1	Image
03/02/2022	Request for hearing filed on Tuesday 3/15/22 Applies To: Chrisanthopoulos, Esq., Kevin (Attorney) on behalf of Kearney, Aidan (Defendant) (notified 3/15 unavailable. must re-mark)	88	Image
03/07/2022	Endorsement on Motion to strike Defendants' Answer to Count IV of Plaintiff's Second Amended Complaint (#87.0): DENIED The Answer of defendant Aiden Kearney to Paragraphs 3, 5-6, 8-12, 40-43 and Affirmative Defenses, First through Seventh are neither insufficient, redundant, immaterial, impertinent nor scandalous. (e-mailed & mailed 03/07/22)		Image
03/11/2022	Defendant Aidan Kearney's Motion to Request Zoom Hearing	89	Image

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
03/14/2022	Endorsement on Motion to request zoom hearing (#89.0): DENIED emailed 3/16/22 Judge: Manitsas, Hon. James M		Image
03/22/2022	Event Result:: Motion Hearing scheduled on: 03/22/2022 02:00 PM Has been: Held as Scheduled Hon. James M Manitsas, Presiding Staff: Alyson Yorlano, Assistant Clerk Magistrate		
03/22/2022	Endorsement on Motion to Withdraw as Counsel (#85.0): ALLOWED After Hearing		Image
03/22/2022	Attorney appearance On this date Kevin Chrisanthopoulos, Esq. dismissed/withdrawn for Defendant Aidan Kearney		
03/22/2022	Attorney appearance On this date Pro Se added for Defendant Aidan Kearney		
03/22/2022	Attorney appearance On this date Kevin Chrisanthopoulos, Esq. dismissed/withdrawn for Defendant Worcester Digital Marketing LLC		
03/22/2022	Attorney appearance On this date Pro Se added for Defendant Worcester Digital Marketing LLC		
03/22/2022	Attorney appearance On this date Kevin Chrisanthopoulos, Esq. dismissed/withdrawn for Defendant Turtleboy Enterprises LLC		
04/06/2022	Plaintiff Rian Waters's EMERGENCY Motion for TRO and discovery order	90	Image
04/06/2022	Rian Waters's Memorandum in support of EMERGENCY Motion for TRO and discovery order	90.1	Image
04/07/2022	Endorsement on Motion for TRO and Discovery Order (Emergency Motion) (#90.0): No Action Taken This is not an emergency. (e-mailed & mailed 04/07/22)		Image
04/11/2022	Plaintiff Rian Waters's Motion to Waive the filing fee for my Petition under G.L. c.231, Sec.118.	91	Image
04/11/2022	Plaintiff Rian Waters's EMERGENCY Petition for Interlocutory Review under G.L. c.231, Sec.118 (RE: APPEALS COURT NO. 2022-J-0184)	92	Image
04/12/2022	Endorsement on Motion to Waive the filing fee for my Petition under G.L. c.2331 Sec.118 (#91.0): ALLOWED		Image
04/13/2022	Plaintiff Rian Waters's Notice of appeal of Single Justice of Appeals Court decision.	93	Image
04/13/2022	Notice of Entry of appeal received from the Appeals Court After review of the petition, memorandum of law and supporting documents, the petition is denied as the petitioner has failed to demonstrate a clear error of law or an abuse of discretion on the part of the trial court judge. See Jet-Line Services, Inc. v. Board of Selectmen of Stoughton, 25 Mass. App. Ct. 645, 646 (1988). (Neyman, J.).	94	Image
04/19/2022	Plaintiff Rian Waters's Notice of withdrawal of notice of appeal (re Appeals Court Case No. 2022-J-0184)	95	Image
04/19/2022	Plaintiff Rian Waters's Notice of further harassment.	96	Image
05/09/2022	Plaintiff Rian Waters's Motion for leave to redetermine issues	97	Image
05/09/2022	Affidavit of Rian Waters	97.1	Image
05/09/2022	Plaintiff Rian Waters's Motion for leave to file oversized memorandum	98	Image
05/10/2022	Endorsement on Motion for leave to file oversized memorandum (#98.0): ALLOWED emailed and mailed 5/12/22 Judge: Flannery, Hon. Francis E		Image
05/17/2022	Plaintiff Rian Waters's Motion for sanctions and or default.	99	Image

11/17/22, 1:34 PM

Case Details - Massachusetts Trial Court 5

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
05/17/2022	Affidavit of compliance with Superior Court Rule 9A Applies To: Waters, Rian (Plaintiff)	99.2	
05/17/2022	Rian Waters's Memorandum in support of motion for sanctions and or default.	99.1	Image
05/17/2022	Affidavit of compliance with Superior Court Rule 9A Applies To: Waters, Rian (Plaintiff)	99.2	Image
06/27/2022	Defendant Aidan Kearney's EMERGENCY Motion to Request Zoom Hearing	100	Image
06/27/2022	Opposition to Defendants Emergency motion to request zoom filed by Rian Waters	100.1	Image
06/27/2022	Event Result:: Motion Hearing scheduled on: 06/28/2022 02:00 PM Has been: Rescheduled For the following reason: By Court prior to date Hon. Michael K Callan, Presiding Staff: Edward Partyka, Assistant Clerk Magistrate		
06/27/2022	Endorsement on Motion to request Zoom Hearing (#100.0): DENIED Matter to be reschedule by clerks office in person (em.6/27/22)		Image
06/27/2022	Plaintiff Rian Waters's Motion for TRO, Preliminary Injunction, and Consolidation with Trial on Merits	101	Image
06/27/2022	Rian Waters's Memorandum in support of Motion for TRO	101.1	Image
06/27/2022	Affidavit of compliance with Superior Court Rule 9A Applies To: Waters, Rian (Plaintiff)	101.2	Image
06/27/2022	Affidavit of Rian Waters	101.3	Image
06/27/2022	other document, returned SERVED Subpoena- Subpoena Duces Tecum Applies To: Kearney, Aidan (Defendant)	102	Image
06/28/2022	Plaintiff(s) Rian Waters's EMERGENCY Motion for an Injunction	103	Image
06/28/2022	Endorsement on Motion for Tro, Preliminary Injunction, and Consolidation with trial on Merits (#101.0): DENIED See endorsement on Pleading #103 (em.06/28/22)		Image
06/28/2022	Endorsement on Motion for an injunction (#103.0): DENIED First, this is not an emergency, more importantly, this 4 year old case has spun off its axis. The ONLY remaining claim in this case is Count 4 alleging a claim for libel based on statements in Kearny's book, that Water sold drugs. Final PTC on 8/30/22 in person. The trial date to be set. (em.6/28/22)		Image
08/30/2022	Plaintiff Rian Waters's EX PARTE Petition for relief pursuant to G.L.c. 211, s3, and to reach and apply pursuant to GL. C. 214, s 3 (8)	104	Image
08/30/2022	Event Result:: Motion Hearing scheduled on: 08/30/2022 02:00 PM Has been: Held as Scheduled Hon. Michael K Callan, Presiding		
08/30/2022	Event Result:: Final Pre-Trial Conference scheduled on: 08/30/2022 02:00 PM Has been: Held as Scheduled Hon. Michael K Callan, Presiding		
08/30/2022	Endorsement on Motion for sanctions and or default (#99.1): DENIED Judge: Callan, Hon. Michael K		Image
08/31/2022	ORDER: Of Dismissal Judge: Callan, Hon. Michael K	105	Image

RA 016

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
08/31/2022	Judgment. It is ORDERED and ADJUDGED:: This case came on before the Court for a Final Pre-Trial Conference on 8/30/22 and the Plaintiff was not prepared to proceed with the case, therefore, the case is DISMISSED without prejudice for failure to prosecute and without costs to either party. Judge: Callan, Hon. Michael K	106	Image
09/01/2022	Notice of appeal filed. re Pldgs. #83, 101 & 105 Applies To: Waters, Rian (Plaintiff)	107	Image
09/12/2022	Notice of Entry of appeal received from the Supreme Judicial Court Judgement (Georges, J.) On August 31, 2022, the matter was dismissed in the Hampden Superior Court. The petitioner filed a notice of appeal. Upon consideration thereof, it is hereby ORDERED that the petition be, and the same hereby is, DISMISSED as moot.	108	Image
09/19/2022	Appeal entered in Supreme Judicial Court on 09/19/2022 docket number SJ-2022-0327	110	Image
09/19/2022	Notice of assembly of record sent to Counsel	111	Image
09/20/2022	Affidavit of Indigency and request for waiver substitution of state payment of fees and costs filed without Supplemental affidavit	109	
09/21/2022	Determination regarding normal fees and costs REFERRED TO A JUDGE waived in full , pursuant to G. L. c. 261, § 27C(2). Allowed by J. Callan Transcript costs Only (d.09/22/22 and em. 9/26/22)	112	Image
10/03/2022	Court received Appellate Rule 9d statement related to appeal	113	Image
10/19/2022	CD of Transcript of 08/30/2022 02:00 PM Final Pre-Trial Conference received from Linda L. Kelly. Volume 1 of 1 (Paper Transcript)	114	
11/08/2022	Notice of assembly of record sent to Counsel	115	Image
11/08/2022	Notice to Clerk of the Appeals Court of Assembly of Record	116	
11/08/2022	Appeal: Statement of the Case on Appeal (Cover Sheet).	117	
11/15/2022	Revised copies of docket entries sent to Appeals Court re Rian Waters' address		

Case Disposition

<u>Disposition</u>	<u>Date</u>	<u>Case Judge</u>
Disposed by Court Finding	08/31/2022	

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, SS.

SUPERIOR COURT
CIVIL ACTION NO. 1879CV344

RIAN WATERS,
Plaintiff

HAMPDEN COUNTY
SUPERIOR COURT
FILED

vs.

DEC 14 2018

AIDAN KEARNEY,

Laura S. Genn
CLERK OF COURTS

RECEIVED

WORCESTER DIGITAL MARKETING, LLC

DEC 14 2018

TURTLEBOY ENTERPRISES, LLC

SAMANTHA CARDIN,

LAURA S. GENN
CLERK OF COURTS
HAMPDEN COUNTY

JOHN DOES 1-10,
Defendants

**PLAINTIFF RIAN WATERS'S AMENDED MEMORANDUM IN SUPPORT OF HIS
MOTION TO RECONSIDER DEFENDANTS MOTION TO REMOVE DEFAULT AND
REQUEST FOR FILING A LATE ANSWER.**

The Plaintiff, Rian Waters, moves this Honorable Court to reconsider the Defendants motion and hold a hearing to argue the merits of this motion. Alternatively the Plaintiff requests this court report this matter to the appeals court to allow an interlocutory appeal.

Factual History

Defendant Aidan Kearney (Mr. Kearney) wrote a book titled "I am Turtleboy." Mr. Kearney's book was published in November 2018, and it was not available for purchase until the week before the motion hearing. (Exhibit A ¶¶ 4&5) The book contains more defamatory statements directed at the Plaintiff, as well as a different explanation as to why the Defendants defaulted in this lawsuit, stating "I never responded to his complaint, which was a mistake, because I was intimidated by him (he murders dogs and beats women after all) and hoped it would go away

(since he had no lawyer)” (Exhibit A ¶ 2&3) On November 11th 2018 Mr. Kearney threatened the Plaintiff on his recorded online show, stating he was going to murder him with words. The Plaintiff has taken this threat very seriously (since Mr. Kearney has showed numerous times he can circumvent harassment laws with impunity) and has since avoided his residence.

ARGUMENT

1. The Plaintiff did not get a fair opportunity to be heard.

The defendants strategically threatened and defamed the Plaintiff the week before the motion hearing which impaired the Plaintiffs ability to litigate and prepare for the hearing. (Exhibit A ¶ 2-5) Rule 2.6 of the Code of Judicial Conduct allows “A judge may make reasonable efforts, consistent with the law,* to facilitate the ability of all litigants, including self-represented litigants, to be fairly heard.”

2. The following precedent case law that was cited in the Plaintiff’s brief was not considered.

“meritorious nature of defense to one claim of a multi-claim action does not justify removal of default on other claims” Cicchese v. Tape Time Corp., 28 Mass. App. Ct. 72, 76, 546 N.E.2d 384, 386, 1989 Mass. App. 653, *8 “Parties cannot, with impunity, ignore, flout, or circumvent the Rule 12(a)(1) twenty-day deadline for filing an answer.” Floyd v. Owens, 2009 Mass. App. Div. 219 Being distracted and attempting to settle is not a valid excuse to ignore the courts rules. see Kenney v. Rust, 17 Mass. App. Ct. 699, 702, 462 N.E.2d 333, 336, 1984 Mass. App. LEXIS 1428, *7 “A bare allegation or of merit will not suffice. There should be support in the form of affidavits or reference material” Carlson v. Silvia, 2002 Mass. App. Div. 190, 191, 75, *4-5

3. In previous defamation cases the Appellate Court has not considered this Court’s stated reason for removing the default.

The stated reason this Court removed the default was because defamation claims and co-claims require the defaults removal, and a trial on the merits. Although the Plaintiff was unable to find this requirement in statute or case law. In another defamation lawsuit, the Ceruolo v. Garcia, 92 Mass. App. Ct. 185, 188, 83 N.E.3d 179, 183, 2017 119, *5 court stated

“There is no mechanical formula for determining whether good cause exists to set aside the entry of default and courts may consider a host of relevant factors. The three typically considered are (1) whether the default was willful; (2) whether setting it aside would prejudice the adversary; and (3) whether a meritorious defense is presented. Courts may also consider other relevant factors, including (4) the nature of the defendant's explanation for the default; (5) the good faith of the parties; (6) the amount of money involved; and (7) the timing of the motion to set aside the entry of default.”

Based on our briefs the only factors that could be viewed in the Defendants favor are

(6) and (7). See also AYASH vs. DANA-FARBER INSTITUTE, 46 Mass. App. Ct. 384

4. Fraud, and Negligent Publishing, are actionable without the defamation claims.

Defendant Samantha Cardin has defaulted with Malicious Prosecution, Libel, and Loss of Consortium. Even after the allowed late answer, the Defendants still have not provided a nature to their defense to Fraud, and Loss of Consortium.

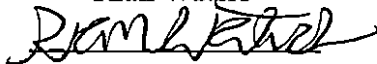
5. New evidence shows Mr. Kearney is not easily intimidated. (Exhibit A ¶ 6&7)

CONCLUSION

For the reasons set forth above, the Plaintiff respectfully requests that the Defendants Emergency Motion to remove the default, and request for leave to file answer late be reconsidered, and a new hearing be held to argue the merits of the motion.

Respectfully submitted,

Rian Waters



199 Allen St.

East Longmeadow, MA. 01028

(530)739-8951

Watersrian@gmail.com

Dated: December 3, 2018

EXHIBIT A

6. In Aidan Kearney's book he also wrote the following;
 - a. "The person on the other end of the call told me he was going to kill my family and rape my wife. By this point stuff like this didn't faze me."
7. Aidan Kearney recently stated on his recorded online show that he likes and respects Kevin Lynch, a man that Mr. Kearney knows is a murderer.

Signed under the pains and penalties of perjury this 3rd day of December, 2018

Rick Hattise

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, SS.

SUPERIOR COURT
CIVIL ACTION NO. 1879CV00344

RIAN WATERS,
Plaintiff

vs.

AIDAN KEARNEY,

WORCESTER DIGITAL MARKETING, LLC

TURTLEBOY ENTERPRISES, LLC

SAMANTHA CARDIN,

JOHN DOES 1-10,
Defendants

HAMPDEN COUNTY
SUPERIOR COURT
FILED

JAN - 2 2019

[Signature]
CLERK OF COURTS

PLAINTIFF RIAN WATERS EMERGENCY MOTION FOR A TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION

Now Comes the Plaintiff, Rian Waters, and respectfully requests that pursuant of MRCP 65, this court issue a temporary restraining order on Defendant Aidan Kearney, and hold a hearing to issue a preliminary injunction against Defendants Aidan Kearney, Turtleboy Enterprises LLC, and Worcester Digital Marketing LLC. As grounds therefore, the Plaintiff refers to and incorporates the memorandum of law attached hereto.

Wherefore, based upon the foregoing, the Plaintiff respectfully requests that this court enter

the following:

*5W
2/16/19
(m)*
2/1/19 after hearing and careful and thorough consideration of the submissions and arguments of the parties, the court finds neither a likelihood of success on the merits nor that irreparable harm will result from denial of the injunction. Accordingly, the motion is DENIED.
1/12/19 Short Order to issue for 1/15/19 @ 2pm.
Mulqueen, J.
Markal KS

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

APR 25 2019

[Signature]
CLERK OF COURTS

See #25
(McGuire, J.)

EMERGENCY MOTION TO RECONSIDER PRELIMINARY INJUNCTION

The Plaintiff Rian Waters humbly asks this court reconsider the Preliminary injunction motion.

The Defendants actions have made it too dangerous to bring any witnesses in the case or discuss merits that could bring harassment to other parties. Plaintiff was unaware that he had a diagnosis of Adjustment Disorder at the time of the motion. The Plaintiff incorporates the attached memorandum as reason.

Wherefore, I Rian Waters the Plaintiff requests an injunction protecting me and my witnesses from harassment and intimidation.

6/12/19 DENIED. After review, the court finds that the additional submission does not alter the court's original finding that there is no likelihood of success on the merits.

[Signature]
JS M. 6-13-19

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss.

SUPERIOR COURT
CIVIL ACTION
No. 1879 CV 0344

HAMPDEN COUNTY
SUPERIOR COURT
FILED

JUN 20 2019

RIAN WATERS


CLERK OF COURTS

vs.

AIDAN KEARNEY & others¹

**MEMORANDUM OF DECISION AND ORDER ON DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT²**

Rian Waters (plaintiff) filed a ten-count complaint³ against Aidan Kearney (Kearney); Worcester Digital Marketing, LLC (WDM); and Turtleboy Enterprises, LLC (Turtleboy) (collectively, the defendants), alleging defamation, intentional infliction of emotional distress, fraud, and loss of consortium. Plaintiff alleges that the defendants published defamatory statements on the Turtleboy blog, Facebook Live, and in the book “I am Turtleboy” authored by Kearney and published by WDM. The defendants move for summary judgment⁴ on all counts of the complaint. For the reasons that follow, this motion is **ALLOWED**.

BACKGROUND

On December 31, 2016, plaintiff was arrested for animal cruelty and assault and battery on Samantha Cardin (Cardin),⁵ his fiancé at that time. Shortly thereafter, Cardin posted, on her

¹ Worcester Digital Marketing, LLC and Turtleboy Enterprises, LLC

² The defendants originally filed a motion to dismiss, but because additional matters outside the complaint were included, the court gave the parties notice and an opportunity to supplement the pleadings. The court accordingly treated the motion to dismiss as a summary judgment motion, except for Counts VII, VIII, and IX that are dismissed pursuant to the Rule 12(b)(6) standard as no supplemental materials were provided.

³ See Second Amended Complaint.

⁴ See Note 1.

⁵ Cardin was a defendant in this matter until plaintiff voluntarily dismissed suit against her on January 9, 2019 removing Counts III and VI from the complaint.

Facebook account, photographs of her black eye and statements concerning plaintiff's alleged assault on her and her dog. On or about January 6, 2017, a blog was posted on Turtleboy Sports, a social media platform operated by defendant WDM.⁶ A third-party blogger posted a blog containing Cardin's Facebook posts in which she stated that she was assaulted by plaintiff and that her dog was injured by him and subsequently died. Plaintiff's Facebook posts were also added to the blog.

On May 16, 2018, plaintiff filed this action. On or about May 20, 2018, Kearney discussed this blog, and the related criminal case, on an online "live show." On or about November 13, 2018, WDM published a book entitled "I am Turtleboy" written by Kearney. This action is discussed on several pages of the book.

On February 4, 2019, the defendants filed this motion to dismiss asserting, inter alia, that: (1) Kearney cannot be individually liable to plaintiff; and (2) plaintiff has not alleged a viable claim for defamation because: (a) the defendants did not make any statements concerning plaintiff; (b) the defendants alleged statements are not false; and (c) much of the alleged statements constitute opinion and thus are not actionable. A hearing was held on this motion on March 12, 2019.

DISCUSSION

Summary judgment is appropriate where, "viewing the evidence in the light most favorable to the nonmoving party, all material facts have been established and the moving party is entitled to a judgment as a matter of law." Scholz v. Delp, 473 Mass. 242, 249 (2015), quoting Augat, Inc. v. Liberty Mut. Ins. Co., 410 Mass. 117, 120 (1991). "[The] party moving for summary judgment in a case in which the opposing party will have the burden of proof at trial is

⁶ Third-party bloggers are permitted to post their own blogs to the Turtleboy Sports' social media platforms.

entitled to summary judgment if [the moving party] demonstrates . . . that the party opposing the motion has no reasonable expectation of proving an essential element of that party's case." Id. quoting Ravnikar v. Bogojavlensky, 438 Mass. 627, 629 (2003) (alterations in original).

The court will address each count of the complaint separately.

Count I: Libel vs. John Does 1-10⁷

Plaintiff alleges that nine separate statements contained in the January 6, 2017 blog are defamatory. The first statement is that plaintiff has dirt and pubes on his upper lip. The context of this statement is as follows: "But there's two sides to every story. This is the accused, Rian Waters from Palmer.⁸ Although based on that Voke-stache, I think we all knew he was from Palmer. That collection of dirt and pubes on his upper lip is strike one. Because when I look at a picture like that, one of the first things that crosses my mind as an unbiased Facebook juror is, 'domestic abuse.'"

Next, plaintiff alleges that the statement "LOL Dumbass Ludlow cops don't know about celiac disease" was falsely attributed to him. That statement appeared in quotation marks after the reprint of plaintiff's 1/4/17 Facebook post which read, "Okay so now for the possibly really good news. Ludlow jail was stupid enough to not initially trust that I had Celiac disease. Their unprepared policy is to wait until they get a fax with a diagnosis from a doctor. Problem with this is if someone gets arrested on a Friday afternoon, and it happens to be a holiday weekend. Then the said person would be stuck eating less than 1000 safe calories in at least 4 days! I got a lot of work to do, and it's far from a sure thing. But if I get the right lawyer, I may be able to correct some outdated policies."

⁷ Plaintiff alleges John Doe #2 is Kearney.

⁸ A photograph of plaintiff was imbedded in the blog article.

The third statement is that plaintiff found his dog crushed underneath a big metal cabinet. The fourth statement is that plaintiff's dog was clearly in need of a vet for several days. The context of these two statements is as follows: "Wait . . . what??? You came home and found the dog crushed underneath a big metal cabinet? And you 'didn't think much of it?' Yea, that sounds believable. Because sometimes I come home and find my dog buried in rubble, and I'm like, 'whatever.' IF what he's saying is true, and that's a huge IF, then that means this dog was clearly in need of a vet for days, and they did nothing about it."

Next, plaintiff challenges that his statement, "Sadly I can't share the evidence yet, but it's enough to make me wonder if I even did cause that black eye" meant he was convinced he did cause the black eye. The blog, after repeating the above Facebook post by plaintiff, reads "But wait . . . that would mean that before he made this post that he was pretty convinced that he DID cause the black eye. Yea, that's a smart thing to post on Facebook when you have a court date in your future."

The next statements that plaintiff challenges are that plaintiff is far from innocent and that plaintiff was re-enacting his favorite episode of "16 and Pregnant." The blog reads, "The bottom line is that the real losers here are the dog and the child. I'm sure both he and her are far from innocent. A couple unwed Palmerites in their pajamas re-enacting their favorite episode of *16 and Pregnant*."

"To withstand a motion for summary judgment on a defamation claim, a plaintiff must have a reasonable expectation of proving four elements: first, the defendant made a statement, of and 'concerning the plaintiff, to a third party'; second, the 'statement could damage the plaintiff's reputation in the community'; third, the defendant was at fault for making the statement; and fourth, the statement caused economic loss or, in four specific circumstances, is

actionable without economic loss.” Id. at 249. Although each of the challenged statements arguably meets one or more of the above-stated elements of a claim of defamation, none of them meet all elements. In addition, “to be actionable, the statement must be one of fact rather than opinion.” Id. “Whether a statement is a factual assertion or an opinion is a question of law ‘if the statement unambiguously constitutes either fact or opinion,’ and a question of fact ‘if the statement reasonably can be understood both ways.’” Id. at 250, quoting King v. Globe Newspaper Co., 400 Mass. 705, 709 (1987). “In determining whether a statement reasonably could be understood as fact or opinion, a court must examine the statement in its totality in the context in which it was uttered or published, and must consider all the words used, not merely a particular phrase or sentence.” Scholz, 473 Mass. at 250 (internal quotations and citation omitted). The factors to be considered in differentiating statements of fact from statements of opinion include: (1) specific language used; (2) whether the statement is verifiable; (3) general context of the statement; and (4) the broader context in which the statement appeared. Id. at 250, quoting Milkovich v. Lorain Journal Co., 497 U.S. 1, 9 (1990). An additional consideration is any “cautionary terms used by the person publishing the statement.” Id., quoting Lyons v. Globe Newspaper Co., 415 Mass. 258, 263 (1993).

Applying the appropriate factors to each of the challenged statements detailed above, including “the medium by which the statement was disseminated and the audience to which it [was] published,” Cole v. Westinghouse Broadcasting Co., 386 Mass. 303, 309 (1982), it is clear that the alleged defamatory statements are constitutionally protected expressions of opinion. See King, 400 Mass. at 708 (“Statements of pure opinion are constitutionally protected.”). Additionally, the use of cautionary terms and language “relay[] to the reader that the authors were ‘indulging in speculation.’” Scholz, 473 Mass. at 251, quoting King, 400 Mass. at 713.

Here, the blog article contained the following language: “She’s saying he head butted her. She’s also accusing him of killing their dog. Not good if true. But there’s two sides to every story;” “You have to be careful with these domestic abuse stories. Your initial instinct is often to believe the battered woman. I know it was Turtleboy’s. But at the same time, we don’t know these people. And some chicks are capable of anything;” “Nothing about this story makes much sense, and if you’re keeping score, she’s winning in the court of public opinion;” and “If I can easily picture these two cheesehogs going at it, and her getting up in his grill and smacking him a couple times, and their heads banging into each other, than so can any real life juror.” It is clear that the author is “expressing subjective view, an interpretation, a theory, conjecture or surmise . . . [therefore] the statement[s] are not actionable.” Haynes v. Alfred A Knopf, Inc., 8 F.3d 1222, 1227 (7th Cir. 1993).⁹ Accordingly, the motion for summary judgment as to Count I is

ALLOWED.

Count II: Libel vs. Turtleboy Enterprises LLC and Worcester Digital Marketing LLC

The second count of plaintiff’s complaint, brought against the corporations, is based on the same nine statements detailed above. For the same reasons detailed above, the motion for summary judgment as to this count is **ALLOWED.**

Count IV: Libel vs. Aidan Kearney

Plaintiff alleges that five statements written in Kearney’s book “I Am Turtleboy” are libelous. Those statements, outlined in Paragraph 40 of the Amended Complaint are: (1) “Rian

⁹ The final challenged statements – that plaintiff lived in Palmer and that his January 4th post was in response to Cardin’s January 5th post– do not constitute opinion. Plaintiff does, however, fail to demonstrate that the statements could damage plaintiff’s reputation in the community, and that they caused economic loss. As such, the claims with regard to the statements fail as a matter of law and are appropriate for summary judgment.

Waters sold drugs in California;” (2) “shipped himself drugs via the USPS, which he intended to sell here;” (3) “allegedly assaulted Samantha Cardin, causing the black eye;” (4) “went into the house and killed the dog in front of his special needs daughter by stomping it in the back;” and (5) “everything she (Samantha Cardin) had posted on Facebook was true, and she had finally gotten the courage to speak out against her abuser. I know this as a fact because Rian had a trial and it all came out.” The full excerpt in the book “I Am Turtleboy” reads as follows:

In January 2017 Rian appeared in a blog written by one of the girls after his baby’s mother *alleged* domestic abuse by posting a picture of herself with a black eye on Facebook. She also *alleged* that Rian Waters had killed their dog. The blogger never said that he did it, and simply satirized the story as an example of trashy people airing their trash publicly. . .

According to the woman he assaulted, Rian Waters sold drugs in California and hardly ever saw his daughter or baby momma in Palmer. However, on a visit to see them he *allegedly* shipped himself drugs via the USPS, which he intended to sell here. One day he got into an argument with his baby’s mother and *allegedly* assaulted her, causing the black eye. He then went into the house and killed the dog in front of his special needs daughter by stomping it in the back.

Everything she had posted on Facebook was true, and she had finally gotten the courage to speak out against her abuser. I know this as a fact because Rian had a trial and it all came out. In court a veterinarian testified that the autopsy on the dog indicated that he killed the poor thing. . . (emphasis added).

“A plaintiff alleging libel must ordinarily establish five elements: (1) that the defendant published a written statement; (2) of and concerning the plaintiff; that was both (3) defamatory, and (4) false; and (5) either caused economic loss, or is actionable without proof of economic loss.” Clay Corp. v. Colter, 2012 WL 6928132 at *3 (Mass Super. 2012). “Since a given statement, even if libelous, must also be false to give rise to a cause of action, the defendant may assert the statement’s truth as an absolute defense to a libel claim.” Noonan v. Staples, Inc., 556

F.3d 20, 26 (1st Cir. 2009) (citations omitted). Kearney advances this argument in his motion. In the first four challenged statements, cautionary terms and language used (i.e., “alleged domestic abuse;” “alleged he killed their dog;” “according to the woman he assaulted he sold drugs;” “allegedly shipped himself drugs;” “allegedly assaulted her”), “relay[s] to the reader that the authors were ‘indulging in speculation.’” Scholz, 473 Mass. at 251, quoting King, 400 Mass. at 713. These four statements are not actionable.

The defense asserts that the final challenged statement, “everything she (Samantha Cardin) had posted on Facebook was true, and she had finally gotten the courage to speak out against her abuser. I know this as a fact because Rian had a trial and it all came out,” is not actionable. In support of their motion for summary judgment, the defendants submitted an affidavit of Cardin, the Palmer Police Department’s application for criminal complaint, Palmer Police Department Arrest Report, Criminal Complaint 1743 CR 0009, victim impact statement, photographs of Cardin’s injured eye, as well as a forensic veterinary investigation (autopsy) report regarding the death of the dog.

The party seeking summary judgment has the burden of showing the absence of any genuine issue of material fact, which, under applicable principles of substantive law, entitles it to a judgment as a matter of law; the party opposing such a motion must provide an evidentiary foundation to demonstrate the existence of a genuine issue of material fact. Mass. R. Civ. P. 56 (c) and (e); see also Pederson v. Time, Inc., 404 Mass. 14 (1989). The moving party may satisfy this burden either by submitting affirmative evidence that negates an essential element of the opposing party’s case or by demonstrating that the opposing party has no reasonable expectation of proving an essential element of its case at trial. Kourouvacilis v. General Motors Corp., 410 Mass. 706, 716 (1991). The opposing party to a motion for summary judgment must substantiate

its adverse claim by showing that there is a genuine issue of material fact together with the evidence disclosing the existence of such an issue, demonstrated by counter affidavits and concrete evidence. Pederson, 404 Mass. at 17. The nonmoving party cannot defeat a motion for summary judgment by resting on his pleadings and mere assertions of disputed facts. LaLonde v. Eissner, 405 Mass. 207, 209 (1989).

Here, plaintiff's supplemental brief opposing the summary judgment motion cites Kearney's "flagrant violations of [G. L. c.] 268 § 13B" and the court's denial of plaintiff's request for appointed counsel and for a preliminary injunction, and argues that it was this court's responsibility to take an affirmative role in securing plaintiff's constitutional rights and his right to be fairly heard. Plaintiff suggested that the only way to secure such rights was to allow an injunction, impound the proceedings, or appoint counsel for plaintiff. Plaintiff offered no counter affidavits or concrete evidence regarding the alleged falsity of the challenged statement. Cardin's affidavit, signed under the pains and penalties of perjury, details that, on or about December 31, 2016, plaintiff did physically assault her leaving a black eye and bruises on her body; that it was Cardin's opinion that on that same date plaintiff did physically assault her dog leading to its death a few hours later; and that, on the same date, plaintiff was arrested for those crimes.¹⁰ The affidavit further states that, shortly after December 31, 2016, Cardin posted to her Facebook account photographs of the injury and statements concerning the assault on her and her dog; on or about January 6, 2017, a blog was posted on Kearney's social media pages detailing and commenting on her Facebook posts; and that "the Facebook posts within the Defendants' blog are true and accurate copies of my Facebook posts." The Forensic Veterinary

¹⁰ Palmer District Court Criminal Complaint No. 1743 CR 0009, shows plaintiff was arrested on December 31, 2016 for the crimes of domestic assault and battery in violation of G. L. c. 265 § 13M, and cruelty to animals in violation of G. L. c. 272 § 77.

Investigations report of the dog's postmortem examination indicates that, in the investigator's veterinary opinion, the dog suffered blunt force trauma which caused injuries. The report stated that it would have been painful and caused the dog's sudden inability to use her back legs. The report further detailed that "this constellation of injuries is not consistent with natural disease or an accidental fall. The allegation of a kick or other blunt force trauma (stomp or kneeling injury) would be plausible as the cause of these traumatic and painful injuries." This evidence, together with other information in the summary judgment record, negates an essential element (falsity) of plaintiff's claim; plaintiff has failed to substantiate his adverse claim with counter affidavits or concrete evidence. Accordingly, this court finds that there is no genuine issue of material fact as to the truth of Kearney's statement, and he is entitled to summary judgment as a matter of law on this count. Therefore, the motion as to Count IV is **ALLOWED**.

Count V: Slander Per Se vs. Aidan Kearney

In this count, plaintiff alleges that, on May 20, 2018, the Turtleboy Sports Facebook page hosted a live show, hosted by Kearney going by the name "Uncle Turtleboy," and made statements about emails that plaintiff "believes and alleges that no such emails exist." Plaintiff has sued Kearney in his individual capacity.

The affidavit of Kearney, signed under the pains and penalties of perjury, states that he is the manager of WDM which does business as Turtleboy Sports, owns all Turtleboy Sports publications, and operates all Turtleboy Sports social media platforms. Kearney moves for summary judgment on this count arguing that under G. L. c. 156C, § 22, he cannot be held personally liable for the limited liability corporation's obligations. G. L. c. 156C, § 22 provides that:

Except as otherwise provided by this chapter, the debts, obligations and liabilities of a limited liability company, whether arising in contract,

tort or otherwise, shall be solely the debts, obligations and liabilities of the limited liability company; and no member or manager of a limited liability company shall be personally liable, directly or indirectly, including, without limitation, by way of indemnification, contribution, assessment or otherwise, for any such debt, obligation or liability of the limited liability company solely by reason of being a member or acting as a manager of the limited liability company.

The impact of this statute is fatal to the claims against Kearney individually. Accordingly, the motion for summary judgment as to Count V is **ALLOWED**.

Count VII: Intentional Infliction of Emotional Distress

To sustain a claim of intentional infliction of emotional distress, a plaintiff must prove: (1) “that the actor intended to inflict emotional distress or that he knew or should have known that emotional distress was the likely result of his conduct;” (2) “that the conduct was extreme and outrageous, was beyond all possible bounds of decency and was utterly intolerable in a civilized community;” (3) “that the actions of the defendant were the cause of the plaintiff’s distress;” and (4) “that the emotional distress sustained by the plaintiff was severe and of a nature that no reasonable man could be expected to endure it.” Agis v. Howard Johnson Co., 371 Mass. 140, 144-145 (1976) (citations and internal quotations omitted). A plaintiff faces a high burden in making a claim of intentional infliction of emotional distress; “[l]iability cannot be predicated on mere insults, indignities, threats, annoyances, petty oppressions, or other trivialities.” Tetrault v. Mahoney, Hawkes & Goldings, 425 Mass. 456, 466 (1997) (citation and internal quotations omitted).

Plaintiff’s complaint for intentional infliction of emotional distress contains the following three allegations. First, “the defendant’s article stated their reason for writing the article is because; We like watching the world burn.” Second, “the plaintiff received death threats and lost contact with family members.” Finally, “as a result the Plaintiff has sustained damages.”

Reading the complaint and the record in as harsh a manner as possible, giving all deference to the plaintiff, the court finds that no trier of fact could reasonably find that the publications attributed to the defendants were “so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community.” Butcher v. University of Mass., 94 Mass. App. Ct. 33, 42–43 (2018).

The motion to dismiss Count VII is **ALLOWED**.

Count VIII: Negligent Publication

Negligent publication is a theory by which a plaintiff can prove the element of falsity in a defamation claim; it is not a separate cause of action. The motion to dismiss Count VIII is **ALLOWED**.

Count IX: Fraud vs. Aidan Kearney and “Alter Ego Corporations”¹¹

In Count IX, plaintiff alleges that Kearney and the “Alter Ego Corporations” have publicly claimed that they listen to concerns of inaccuracy, and that they provide victims who allege mistakes with a form to address their concerns. He further alleges that, on May 11, 2018, the defendants published an article claiming that they are a blog of integrity and that they have an allegiance to facts, logic, and truth. Plaintiff states that, in his posts that were featured in the article, he tried to inform the defendants of the real story and provide evidence, but the defendants were unwilling to look at his evidence and never provided him with a form to complain. Plaintiff alleges that these statements “constitute a fraud as the Plaintiff reasonably expected for his concerns to be addressed, and did not expect to be attacked based on sharing a

¹¹ In Paragraph 12a – 12h, plaintiff avers that WDM and Turtleboy are Alter-Ego corporations of Kearney.

genuine complaint.” Finally, plaintiff avers “the defendants false claims of integrity have greatly increased the impact and amount of damage the Plaintiff has received.”

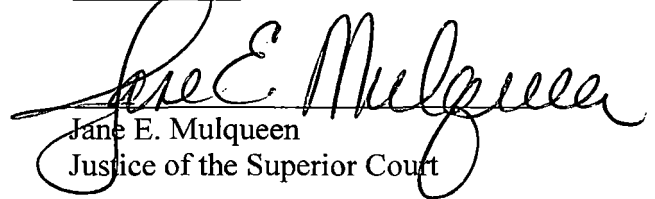
Mass. R. Civ. P. 9(b) requires all averments of fraud to be stated with particularity. To satisfy Rule 9(b), “the plaintiff must allege the content of the fraudulent statement, who made the statement and when and where it was made, the falsity of the statement and the defendant’s knowledge of the falsity, the materiality of the statement, and the plaintiff’s reliance thereon.” Feldman v. Aspen Technology, Inc., 2007 WL 1089220 at *8 (Mass. Super. 2007), citing Friedman v. Jablonski, 371 Mass. 482, 488 (1976) and Equipment & Sys. for Indus., Inc. v. Northmeadows Constr. Co., 59 Mass. App. Ct. 931, 931-932 (2003). Treating the motion on this count as a motion to dismiss, the court finds that the fraud count was not pleaded with sufficient particularity; specifically, there is no averment that the statements were made to induce reliance on them or that plaintiff relied on those statements to his detriment. Accordingly, the motion to dismiss is **ALLOWED** as to this count.

Count X: Loss of Consortium

It is unclear against whom this cause of action is brought, but, to the extent it is pled against the defendants,¹² the motion to dismiss is **ALLOWED**. Plaintiff’s daughter is not a party to the suit and therefore he cannot claim loss of consortium.

ORDER

For the foregoing reasons, the defendants’ motion is **ALLOWED**.


Jane E. Mulqueen
Justice of the Superior Court

DATE: June 18, 2019

¹² To the extent it is pled as against Cardin, plaintiff voluntarily dismissed the case against her in January of 2019.

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN COUNTY,

Superior Court
1879CV0344

RIAN WATERS,
Plaintiff

AIDAN KEARNEY,
Defendant

HAMPDEN COUNTY
SUPERIOR COURT
FILED
OCT 21 2020

[Signature]
CLERK OF COURTS

Affidavit of Rian Waters

Parties

1. Katherine Peter blogged for Turtleboy Sports using the pen name “Bristol Turtlechick.” and Kate Peter
2. Aidan Kearney is the sole owner, manager, and editor of Turtleboy Sports.
3. In the first 90 seconds of Aidan Kearney’s August 8, 2019 speech, titled “Turtleboy is a wartime conservative,” Aidan describes Turtleboy Sports as a blog that has weaponized public shaming.

Statement of Facts

Wiretapping

4. On January 9th, 2019, Kathrine Peter was sitting next to Aidan Kearney and witnessed him secretly record video and take pictures of me in the courtroom.

- 5) On June 23rd, 2019, Aidan Kearney sent the pictures and recordings from the court hearings to a woman in Illinois named Michelle Olson, and asked her to post them in the comment section of his Facebook page, so that he could use them without the pictures being traced back to him. (**Exhibit B & C**)
- 6) You can see Katherine Peter's leg in one of Aidan Kearney's photos, and Aidan Kearney wrote in a message to Michelle Olson that Katherine's leg is sexy.
- 7) After Michelle posted one of the pictures, Aidan Kearney republished the picture in a blog.
- 8) On February 25th, 2020, I went to the Springfield police station and talked to Officer Hernandez about the wiretapping. Officer Hernandez told me he had already talked to Michelle about it, and he said Springfield Police do not pursue perjury, wiretapping, or civil witness intimidation charges. He suggested I file another civil complaint.
- 9) On March 3rd, 2020, Michelle Olson called the Hampden County Superior court and told Judge Jane Mulqueen's clerk Kevin Claffey that Aidan Kearney sent her illegal recordings and asked her to post them on his Facebook. Kevin told her that the court did not care.

Witness Intimidation

- 10) On January 4th, 2019 five days before we had a hearing for 1879CV00344, the Defendant's posted an article on their website and Facebook accounts that instigated several of his followers to send threats of violence.
- 11) On January 4th, 2019 the primary personal Facebook account that Aidan Kearney uses for his business liked the following threats;
 - a) "Hey pornstash, Make me Joe Doe #11. If I find your *ss you'll be sorry. Luckily the poker community is small. You'll remember Mike when he makes your teeth even more f*cked up! Pussy b*tch!"
 - b) "Ppl like u make me wish that we can do a legit purge! Ya *ss wud be snipped with the quickness. When this blows up in ur face I hope u truly hide cuz u got a sh*tload of angry ppl now that aint happy with u n are actually bout that life wear bums woman beaters like u get karma..."
- 12) On June 29th 2020 this court denied a protection order. On July 16th 2020 Aidan Kearney posted another article about me. On Aidan's Facebook page someone posted a harassing rap video that shows the house I have been using for an address and shames Amanda Sawyer who was my potential witness for a December 17th 2019 criminal show cause hearing.
- 13) On November 11th 2018, Aidan Kearney said on his recorded online show that he was going to murder me with words.

- 14) On September 26th 2019, Aidan Kearney explained what he meant by murder him with words. “It’s not actually murder, it’s figurative. And we have killed him with words, our words have destroyed and exposed this man, as it should be. Rian Waters deserves to die destitute, obviously he should die of whatever causes.... But certainly the day Rian Waters dies it will be such a great day, and I wanted him to know that... the day you take your last breath will be a great day for everyone... If you die tomorrow, oh my god, we would throw a party dude, and the best part is no one will miss you...”
15. On January 14th, 2019, (starting approximately at 1.11) Aidan Kearney told an online audience that I dropped the complaint against Samantha Cardin, and then he said “clearly in Bristol’s opinion he was intimidated by the blogs.” Yet she still published another blog before the next court hearing.
16. All the threats in Exhibit H were published in January or February 2019, on the Defendants Facebook accounts.
17. On or about July 11th 2019 Aidan Kearney hosted a show online, and published it on Soundcloud.com. Starting at 27:00 Aidan said he was going to talk about Rian Waters, and then he discussed my motion and said various harassing statements. At 39:54 he said “you’re never going to get a job again, you can’t, I agree with you on that, and you shouldn’t because any company that hires you we’re going to find them, we’re going to let them know who you are, and who hired you”

18. On June 23rd, 2019 Aidan Kearney hosted a live online show and published it on iTunes. After discussing 1879CV00344, Aidan Kearney said “ If you f*ck with me in court you will be made an example of, I’m going to ruin your life... and I’m a vindictive f*ck too, I’m the guy that can be very friendly to you, and be nice. But if you poke me I am going to ruin you, I dream, I get f*cking hard over it right, I cum to it, when I think about, literally I bust a f*cking load thinking about punishing you. So please bring it on, I really enjoy it, I really really enjoy it. (Starting at 1.33.00 on the podcast downloaded from Itunes)

19. On January 13th 2019, February 3rd 2019, and August 8, 2020, Aidan Kearney’s website TurtleboySports.com published several harassing images that Katherine Peter created with an editor, including some that photoshopped my first witnesses face, and my face from our Facebook profiles, and placed them on top of gay porn. **(Exhibit D)**

20. On January 23rd, 2019, my old roommate contacted Turtleboy Sports, and asked that they take her address off their website for safety concerns. Aidan Kearney said that you don’t let people use your address to sue him unless you want your sh*t blown up. **(Exhibit E)**

21. On July 11th 2019 Turtleboy Sports published a podcast on iTunes, and at (40:30) Aidan Kearney says that it was “blatantly obvious” that in the beginning a lawyer was writing my filings, and that now I am writing them. But I wrote all my

filings, the obvious difference in quality is because of the Adjustment Disorder caused by Aidan Kearney's harassment.

22. Katherine Peter started her 01/07/2019 article by saying she declared war against me because of 1879CV00344.

23. Motion hearings were scheduled for 1879CV00344 on 11/20/2018, 01/09/2019, 01/15/2019, 01/17/2019, and 02/19/2019

24. Katherine published articles about me on, but not limited to 01/04/2019, 01/07/2019, 01/08/2019, and 02/13/2019

25. Three of Turtleboy Sports's Facebook pages were suspended by Facebook in January 2019, because Facebook considered his posts written about me to be harassment. **(Exhibit F)**

26. Aidan Kearney has said he has a "plethora" of fake Facebook accounts that he uses, and he encourages his followers to use fake names and a VPN.

27. At the end of Katherine's 02/13/2019 article, she listed the phone number to the District Attorney's office in Palmer and encouraged her readers to call and try to get the DA to open charges against me.

28. On December 17th 2019, a woman named Amanda Sawyer travelled more than an hour to be my potential witness in a criminal case against Aidan Kearney, to tell the court about the damage that Aidan Kearney does on a regular basis. In January 2020 Aidan Kearney spent 5 minutes shaming Amanda Sawyer, and literally

said the reason she deserved to be shamed was because she was willing to be my witness.

29. Samantha Cardin would not have signed an affidavit against me if there had been a witness protection order. **(Exhibit G)**

30. The reason I did not present evidence in 1879CV0344 was because I didn't want Aidan Kearney to destroy Samantha Cardin, or any more of my witnesses on his public shaming device.

31. The first comment on Katherine's 02/13/2019 article says "I would love to slaughter Rian's entire family down to the child"

1. Katherine responded to the next comment showing that she was aware of the above threat.

32. Another comment on Katherine's 02/13/2018 article stated that I lived in Hayfork CA, and said "I'm sure somebody knows somebody that is from around there that can verify who loves dogs and beating scumtwunts like this one within an inch of their lives."

1. This threat was particularly threatening, as Hayfork is a rural mountain town filled with the most powerful criminal organizations.

33. On January 25th 2020, four days after the case was docketed in the appeals court, Aidan Kearney hosted an online show using YouTube, where he spent several minutes telling his followers that he thinks I am pure evil, and he said it's a fact that

the world will be a better place without me in it. He then showed pictures of the house that I have been using for an address, read my address and phone number out loud, and tried calling me.

34. On 2/12/2020, Aidan Kearney said he was not being hyperbolic when he said he would rather die or go to jail then censor his speech because of a court order.

Perjury

35. While answering interrogatories for 1879CV00344, Aidan Kearney swore under penalties of perjury that he did not write the 1/6/2017 article about me.

36. On July 14th, 2020 Aidan Kearney admitted that he was the one that wrote the 1/6/2017 article about me, and he said he wrote several blogs about me.

37. On September 24th, 2018 Aidan Kearney signed an affidavit for a motion in 1879cv00344, on ¶ 3 Aidan claimed that “following service of the complaint I received numerous emails from the named Plaintiff attempting to extort money in lieu of proceeding with the complaint.”

38. The email communication after the complaint was served started with me asking Aidan not to message my Facebook account anymore, and then Aidan asking me if I wanted to settle.

39. Then on P#4 of the September 24, 2018 affidavit, Aidan Kearney falsely claimed that on July 26, 2018 I sent an email stating that in exchange for cash I would dismiss the lawsuit.

40. Aidan's September 24, 2018 perjury is a material matter because it was his excuse for flouting rule 12a.

Signed under the pains and penalties of perjury 9/30/2020

Rian Waters

Certificate of service

I, Rian Waters, hereby certify that on September 30th, 2020, I served the Defendants by emailing: Kevin Chrisanthopoulos, Esq. at kevin@kctrilattorney.com,

Subscribed under the pains and penalties of perjury.

Rian Waters

9/30/2020

A

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN COUNTY,

Superior Court
1879CV0344

RIAN WATERS,
Plaintiff

AIDAN KEARNEY,
Defendant

HAMPDEN COUNTY
SUPERIOR COURT
FILED

OCT 21 2020

[Signature]
CLERK OF COURTS

Plaintiff's motion for a protection order.

I, Rian Waters, move for this court to use it's inherent power to protect me and ensure that my case is heard with some conformity to the laws. Aidan Kearney has clearly violated the perjury, witness intimidation, and wiretapping statutes to obstruct this case, and because of his symbiotic relationship with law enforcement I have been defenseless. Hon. Justice Kathryn E. Hand granted me leave to file, and the court leave to consider a protection order on June 11th, 2020. After this court denied the protection order Aidan Kearney published photos with my face placed on gay porn again. Without a protection order there is a clear and present danger that Aidan Kearney will harass me before oral arguments to hinder my performance, and that he will harass other witnesses involved. The established methods in the statutes and rules have so far failed to discourage obstructive misconduct. See also the attached Memorandum and affidavit.

DENIED. This matter is pending on appeal. There are no witnesses who will be appearing in the appellate proceedings. The issues raised in this motion have been previously raised, considered, and ruled upon prior to entry of summary judgment for defendant.

[Signature] Justice J. 11/19/20 SC MA 04800

(e7)

Please schedule for hearing via Zoom on a date convenient to the parties. Justice J. 10/28/20 SC MA 04800

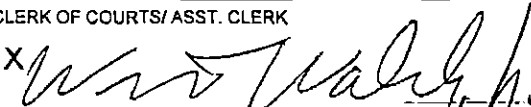
JUDGMENT AFTER RESCRIPT		Trial Court of Massachusetts The Superior Court	
DOCKET NUMBER	1879CV00344	Laura S Gentile, Clerk of Courts	
CASE NAME	Waters, Rian vs. Kearney, Aidan et al	COURT NAME & ADDRESS Hampden County Superior Court Hall of Justice - 50 State Street P.O. Box 559 Springfield, MA 01102	

This action was appealed to the SJC or Appeals Court for the Commonwealth, the issues having been duly heard and the SJC or Appeals Court having duly issued a rescript,

It is **ORDERED** and **ADJUDGED**:

JUDGMENT/ORDER after Rescript: The original judgment (#51.0) is Reversed in part. Judgment REVERSED as to Count 4 of the Plaintiff's Second Amended Complaint stating a claim for libel based on the statements in Kearney's book that Waters sold drugs in California and shipped drugs to Massachusetts. In all other respects, the Judgment is AFFIRMED. The matter is remanded to the Superior Court for further proceedings consistent with the memorandum and order of the Appeals Court

Judge: Mulqueen, Hon. Jane E

DATE JUDGMENT ENTERED 09/21/2021	CLERK OF COURTS/ ASST. CLERK 
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property will convey it, remove it from the state or will conceal it. See Memorandum and affidavit.

Wherefore,

This court should approve the ex parte attachment of Kearney's personal and business TD Bank accounts in an amount of \$10,000 each.

Respectfully Submitted,

Rian Waters  10/28/2021

199 Allen st, East Longmeadow MA. 01028

(530) 739-8951 WatersRian@gmail.com

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN COUNTY,

1879CV0344

RIAN WATERS,
Plaintiff

AIDAN KEARNEY,
Defendant

)
)
) Attachment
) Mass. R. Civ. P. 4.1
)
)

HAMPDEN COUNTY
SUPERIOR COURT
FILED

OCT 28 2021

Memorandum in support of Plaintiff's Ex Parte Motion to Attach Defendant's
Bank Accounts

Background:

On December 18th 2018, Aidan Kearney said that he sat down with his lawyer in Westfield [Kevin Chrisanthopolous] and that they discussed hiding Kearney's assets in case of a judgment. (AFF 3-4) Aidan Kearney also said at the time that it was impossible for him to get insurance, because he was obviously going to get sued a lot. (AFF 1) Aidan Kearney has bragged about being judgment proof on at least two other occasions. Aidan Kearney has since dissolved his companies, but he is continuing all of the same business. (Aff 2, and Exhibit A&B) The Appellate court reversed summary judgment in my favor as to the defamatory allegations in his book that I sold and shipped drugs in

California. (Docket 69) An attachment is necessary as it is clear that Kearney plans on hiding his assets.

Argument:

I will likely recover judgment in an amount greater than \$20,000.

"An imputation of crime is defamatory per se. This is so even when the charge was qualified by the words it is alleged or their equivalent, or a mere truthful preface was added that someone else has so stated. Accordingly, we reverse so much of the judgment entered in favor of Kearney on Waters's libel claim that is based on the statements that Waters sold drugs in California and shipped drugs to Massachusetts via USPS." Waters v. Kearney, 20-P-88, (Mass. App. Ct. Aug. 19, 2021) quotations omitted. "In a case of defamation the plaintiff's recovery is limited to actual damages, which are compensatory for the wrong done by the defendant." Stone v. Essex County Newspapers, Inc., 365 Mass. 246, 256 (Mass. 1974) "Actual injury includes not only out-of-pocket expenses, but also harm inflicted by impairment of reputation and standing in the community, personal

humiliation, and mental anguish and suffering.” Draghetti v. Chmielewski, 416 Mass. 808, 815-16 (Mass. 1994) In this case I have a diagnosis for adjustment disorder, (Docket 47.1) and the defamation in the book was the first major stressor to my adjustment disorder that caused significant impairment (Aff. 5,6), and in an affidavit for a motion to reconsider the removal of the default, I cited the cognitive impairment stemming from the defamation in the book as the reason the court should reconsider. (Docket 22.1) Plaintiffs have recovered significant sums for mental suffering with less evidence in other defamation cases. Van Liew v. Eliopoulos, 92 Mass. App. Ct. 114, 115 (2017) (concluding \$250,000 emotional distress award not excessive); Borne v. Haverhill Golf & Country Club, Inc., 58 Mass. App. Ct. 306 , 319-321 (2003) (concluding \$424,000 emotional distress award not excessive); Shafir v. Steele, 431 Mass. 365, 373 (Mass. 2000) (“feelings of being ‘bludgeoned,’ ‘stunn[ed],’ and then ‘outrage’ and ‘anger...’are the ‘natural result’ of the defamation, sufficient to prove mental suffering.”)

Damages to reputation

Aidan Kearney operates blog that has “weaponized public shaming” making his defamatory statements more damaging than if made by a normal newspaper editor. Kearney’s book has been a top seller on Amazon, and has been read by some of the biggest names in politics, including Ted Cruz and Sean Spicer. (AFF. 7)

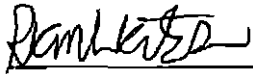
There is a clear danger that the defendant if notified in advance of attachment of the property will convey it, remove it from the state or will conceal it.

Aidan Kearney has bragged about being judgment proof on several occasions. (Aff 3-4) Kearney does not have insurance (Aff 1)

Wherefore,

This court should approve the attachment of Kearney’s personal and business TD Bank accounts in an amount of \$10,000 each.

Respectfully Submitted,

Rian Waters  10/28/2021

199 Allen st, East Longmeadow MA. 01028

(530) 739-8951 WatersRian@gmail.com

a judgment against me they can't take the house is it in her name she's a good girl so she ain't getting sued, OK."

5. After reading the defamatory allegations in Kearney's book I immediately felt shocked, outraged, and angry. In the days following the defamation, I suffered impairment in cognitive ability and social functioning.
6. A few months after Kearney published "I am Turtleboy" and I amended the complaint I learned that the impairment was because Kearny had caused me to have adjustment disorder. I have a diagnosis that was already presented to the court.
7. Kearney's book has been a top seller on Amazon, and has been read by some of the biggest names in politics, including Ted Cruz and Sean Spicer.

All facts are stated under the pains and penalties of perjury.

Rian Waters  10/28/2021
199 Allen st, East Longmeadow MA. 01028
(530) 739-8951 WatersRian@gmail.com

Exhibit A

Corporations Division

Business Entity Summary

ID Number: 001152634

Request certificate

New search

Summary for: WORCESTER DIGITAL MARKETING LLC

The exact name of the Domestic Limited Liability Company (LLC): **WORCESTER DIGITAL MARKETING LLC**The name was changed from: **TURTLEBOY DIGITAL MARKETING LLC** on 12-06-2016
The name was changed from: **TURTLEBOY DIGITAL MARKETING LLC** on 12-06-2016

Entity type: Domestic Limited Liability Company (LLC)

Identification Number: 001152634

Date of Organization in Massachusetts: 11-20-2014

Date of Cancellation: 04-30-2020

Last date certain:

The location or address where the records are maintained (A PO box is not a valid location or address):

Address: 51 UNION STREET, SUITE 320

City or town, State, Zip code, WORCESTER, MA 01605 USA
Country:

The name and address of the Resident Agent:

Name: AIDAN T KEARNEY

Address: 2 FOSTER STREET

City or town, State, Zip code, WORCESTER, MA 01608 USA
Country:

The name and business address of each Manager:

Title	Individual name	Address
MANAGER	AIDAN T KEARNEY	111 MASON RD JEFFERSON, MA 01522 USA

In addition to the manager(s), the name and business address of the person(s) authorized to execute documents to be filed with the Corporations Division:

Title	Individual name	Address
SOC SIGNATORY	AIDAN T KEARNEY	111 MASON RD JEFFERSON, MA 01522 USA
SOC SIGNATORY	AIDAN T KEARNEY	111 MASON RD JEFFERSON, MA 01522 USA

The name and business address of the person(s) authorized to execute, acknowledge, deliver, and record any recordable instrument purporting to affect an interest in real property:

Title	Individual name	Address
REAL PROPERTY	AIDAN T KEARNEY	111 MASON RD JEFFERSON, MA 01522 USA

☐ Consent
☐ Confidential Data
☐ Merger Allowed
☐ Manufacturing

View filings for this business entity:

ALL FILINGS

- Annual Report
- Annual Report - Professional
- Articles of Entity Conversion
- Certificate of Amendment

View filings

RA 059

Exhibit B

10/17/21, 11:24 AM

Checkout - Turtleboy



PREMIUM BLOGS

PREMIUM STREAM

WTF

HOODRAT HEROES

SOCIAL JUSTICE WARRIORS

PODCASTS

ALL CATEGORIES SHOP MY ACCOUNT

TURTLE CLUB

PREMIUM BLOGS

PREMIUM STREAM

WTF

HOODRAT HEROES

SOCIAL JUSTICE WARRIORS

PODCASTS

ALL CATEGORIES

SHOP

MY ACCOUNT



ORDER RECEIVED



Thanks for your purchase. You can access your item at any time by visiting the following page:

Fabric Face Mask

ORDER NUMBER:
205203

DATE:
October 17, 2021

TOTAL:
\$20.00

PAYMENT METHOD:
Direct Bank Transfer

RA 061

10/17/21, 11:24 AM

Checkout – Turtleboy



Make your payment directly into our bank account. Please use your Order ID as the payment reference. Your order won't be shipped until the funds have cleared in our account.

Our bank details

Turtleboy Digital Marketing:

BANK:	ACCOUNT NUMBER:	ROUTING NUMBER:
TD Bank	8260002296	211370545

Order details

Product	Total
Fabric Face Mask - One size x 2	\$20.00
Subtotal:	\$20.00
Shipping:	Free shipping
Payment method:	Direct Bank Transfer

RA 062

Exhibit C

To Whom It May Concern:

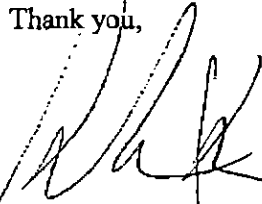
Rian Waters began psychotherapy with me in early October of 2018, when he was diagnosed with adjustment disorder (DSM code: F43.22) with anxiety and the target of perceived discrimination (ICD code: Z60.5). In order to meet criteria for adjustment disorder, one must have a lived identified stressor that marks the onset of symptoms; in Rian's case, his court case involving Turtleboy was and currently is the identified stressor.

At time of intake, Rian's presenting symptoms included disproportionate marked distress, nervousness, and excessive worry/preoccupation that impair occupational and social functioning. Rian's reported anxiety in response to the Turtleboy case and the related published articles proves an obstacle to seeking and maintaining employment to the best of Rian's capability. In addition to the court case and published articles, Rian has reported death threats related to this case. These threats cause marked clinical distress in Rian as well as concerns for immediate safety for himself and those he lives with. This reported distress has proved a further impairment to his occupational and social functioning.

Rian continues to meet criteria for adjustment disorder, though currently meets criteria for mixed anxiety and depressive symptoms. The distress of the court case has led to a report of increasingly depressed mood, feelings of overwhelm and hopelessness, and decreased desire to do things he once enjoyed. Rian attends weekly psychotherapy to help manage symptoms of anxiety and depression and will most likely benefit from support throughout and potentially a while after the case concludes.

If you have any further questions, please don't hesitate to contact me (413) 736-3668 ext. 9336 or via email at Rebecca.kaiserman@bhninc.org

Thank you,



Rebecca Kaiserman, BSW, MSW Intern

Addendum

Section 14. A certificate of organization shall be cancelled upon the dissolution and the completion of winding up of a limited liability company, or at any other time there are no members, or upon the filing of a certificate of consolidation or merger if the limited liability company is not the resulting or surviving entity in a consolidation or merger. A certificate of cancellation shall be filed in the office of the state secretary to accomplish the cancellation of a certificate of organization upon the dissolution and the completion of winding up of a limited liability company or at any other time there are no members and shall set forth:

- (1) the name of the limited liability company;
- (2) the date of filing of its certificate of organization;
- (3) the reason for filing the certificate of cancellation;
- (4) the effective date, which shall be a date certain, of cancellation if it is not to be effective upon the filing of the certificate; and
- (5) any other information the person filing the certificate of cancellation determines.

Mass. Gen. Laws ch. 156C § 14

Upon dissolution and notwithstanding the filing of a certificate of cancellation pursuant to section 14, a limited liability company may continue its existence but shall not carry on any business except as necessary to wind up its affairs or distribute its assets which may include, but shall not be limited to, prosecuting and defending suits, whether civil, criminal or administrative, gradually settling and closing the limited liability company's business, disposing of and conveying the limited liability company's property, discharging or making reasonable provision for the limited liability company's liabilities and distributing to members any remaining assets of the limited liability company, without affecting the liability of members and managers and without imposing liability on a liquidating trustee.

Mass. Gen. Laws ch. 156C § 45(b)

(a) Upon the winding up of a limited liability company, the assets shall be distributed as follows:

- (1) to creditors, including members and managers who are creditors, to the extent otherwise permitted by law, in satisfaction of liabilities of the limited liability company, whether by payment or the making of reasonable provision for payment thereof, other than liabilities for which reasonable provision for payment has been made and liabilities for distributions to members under section thirty-one or section thirty-two;

(2) unless otherwise provided in the operating agreement, to members and former members in satisfaction of liabilities for distributions under section thirty-one or section thirty-two; and

(3) unless otherwise provided in the operating agreement, to members first for the return of their contributions and second respecting their limited liability company interests, in the proportions in which the members share in distributions.

(b) A limited liability company which has dissolved shall pay or make reasonable provision to pay all claims and obligations, including all contingent, conditional or unmatured claims and obligations, known to the limited liability company and all claims and obligations which are known to the limited liability company but for which the identity of the claimant is unknown. If there are sufficient assets, such claims and obligations shall be paid in full and any such provision for payment made shall be made in full. If there are insufficient assets, such claims and obligations shall be paid or provided for according to their priority and, among claims and obligations of equal priority, ratably to the extent of assets available therefor. Unless otherwise provided in an operating agreement, any remaining assets shall be distributed as provided in this chapter. Any liquidating trustee winding up a limited liability company's affairs who has complied with this section shall not be personally liable to the claimants of the dissolved limited liability company by reason of such person's actions in winding up the limited liability company.

Mass. Gen. Laws ch. 156C § 46

Every corporation whose charter expires by its own limitation or is annulled by forfeiture or otherwise, or whose corporate existence for other purposes is terminated in any other manner, shall nevertheless be continued as a body corporate for three years after the time when it would have been so dissolved for the purpose of prosecuting and defending suits by or against it and of enabling it gradually to settle and close its affairs, to dispose of and convey its property and to divide its capital stock, but not for the purpose of continuing the business for which it was established; provided, that the corporate existence of such a corporation, for the purposes of any suit brought by or against it within said period of three years, shall continue beyond said period for a further period of sixty days after the final judgment in the suit.

Mass. Gen. Laws ch. 155 § 51

EXHIBIT

1

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, SS.

SUPERIOR COURT
CIVIL ACTION NO. 1879CV00344

RIAN WATERS,
Plaintiff

vs.

AIDAN KEARNEY;

WORCESTER DIGITAL MARKETING, LLC

TURTLEBOY ENTERPRISES, LLC

SAMANTHA CARDIN,

JOHN DOES 1-10,
Defendants

HAMPDEN COUNTY
SUPERIOR COURT
FILED

JAN - 2 2019

[Signature]
CLERK OF COURTS

PLAINTIFF RIAN WATERS EMERGENCY MOTION FOR A TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION

Now Comes the Plaintiff, Rian Waters, and respectfully requests that pursuant of MRCP 65, this court issue a temporary restraining order on Defendant Aidan Kearney, and hold a hearing to issue a preliminary injunction against Defendants Aidan Kearney, Turtleboy Enterprises LLC, and Worcester Digital Marketing LLC. As grounds therefore, the Plaintiff refers to and incorporates the memorandum of law attached hereto.

Wherefore, based upon the foregoing, the Plaintiff respectfully requests that this court enter

the following:

*5w
2/1/19
(ms)*
2/1/19 After hearing and careful and *1/2/19*
thorough consideration of the submissions Short Order to issue for
and arguments of the parties, the court
finds that a likelihood of success on
the merits, not that irreparable harm will
result from denial of the injunction. Accordingly,
the motion is DEVED. *Mulqueen, J.*

EXHIBIT

2

EXHIBIT

3

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF THE TRIAL COURT

HAMPDEN, SS.

SUPERIOR COURT
CIVIL ACTION NO. 1879CV00344

RIAN WATERS
Plaintiff

vs.

AIDAN KEARNEY,
Defendant

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)

AFFIDAVIT OF SAMANTHA CARDIN

1. My name is Samantha Cardin, I was a former defendant in the above-captioned action.
2. I have first-hand knowledge that Rian Waters did personally sell drugs in California, as well as shipped drugs to Massachusetts.
3. In 2018, I had on several occasions spoken with the defendant, Aidan Kearney, with regard to my relationship with the Plaintiff.
4. During the course of those conversations, I informed Aidan Kearney that Rian Waters did sell drugs in California, as well as shipped drugs to Massachusetts.

Signed under the pains and penalties of perjury.

Samantha Cardin

Samantha Cardin

EXHIBIT

4

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

APR 25 2019

[Signature]
CLERK OF COURTS

*See #25
(McGuire, J.)*

EMERGENCY MOTION TO RECONSIDER PRELIMINARY INJUNCTION

The Plaintiff Rian Waters humbly asks this court reconsider the Preliminary injunction motion.

The Defendants actions have made it too dangerous to bring any witnesses in the case or discuss merits that could bring harassment to other parties. Plaintiff was unaware that he had a diagnosis of Adjustment Disorder at the time of the motion. The Plaintiff incorporates the attached memorandum as reason.

Wherefore, I Rian Waters the Plaintiff requests an injunction protecting me and my witnesses from harassment and intimidation.

6/12/19 DENIED. After review, the court finds that the additional submission does not alter the court's original finding that there is no likelihood of success on the merits.

Jane E. McGuire
JS M. 6-13-19

Respectfully submitted,

Rian Waters

Rian Waters

I'll start putting the address again when it's safe to do so

(530)739-8951

Watersrian@gmail.com Dated: April 25th, 2019

Certificate Of Service

I, Rian Waters, hereby certify that on April 25th, 2019, I served the above motion by

mailing U.S. first class, to:

Kevin Chrisanthopoulos, Esq.
KC Law
30 Court Street, Suite 1
Westfield, MA 01085

Subscribed under the penalties of perjury.

Dated 4/25/2019

Rian Waters

HAMPDEN COUNTY
SUPERIOR COURT
FILED

DEC 22 2021

Rian Waters v. Aidan Kearney; Docket No. 1879 CV 0344

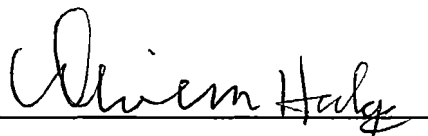

CLERK OF COURTS

Order on Plaintiff's Amended Motion to Attach Defendant's Bank Accounts

Following oral argument on the Plaintiff's Amended Motion to Attach Defendant's Bank Accounts, along with a complete review of all of the papers filed by the parties on this issue, the Court finds that the Plaintiff has not met his burden of demonstrating that he has a reasonable likelihood of success on the merits of his underlying claim against the Defendant. Likewise, the Plaintiff has failed to demonstrate that he will suffer irreparable harm from the denial of the injunctive relief which he is seeking by way of his Motion.

As such, the Plaintiff's Motion is hereby **Denied**.

Dated: December 22, 2021



David M. Hodge, Associate Justice

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT
CIVIL ACTION NO. 1879CV00344

RIAN WATERS,
 Plaintiff
vs.
AIDAN KEARNEY,
WORCESTER DIGITAL MARKETING, LLC
TURTLEBOY ENTERPRISES, LLC
JOHN DOES 1-10,
 Defendants

5/09/2022

MOTION FOR LEAVE TO REDECIDE ISSUES

I Pro se Plaintiff Rian Waters move for leave to seek summary judgment for claim 4 paragraph 40 (C & D) and claim 5 paragraph 46 of the Second Amended Complaint. The Court should grant leave because

1) both Samantha Cardin and Defendant Aidan Kearney requested during the deposition while on the record for the claims be reintroduced, and to some extent they were taunting me to file this motion. (Affidavit at 2)

2) All of the evidence needed to prove the claims is already relevant to the surviving claims, and it will be presented to impeach Samantha Cardin's credibility. (Affidavit at 1)

3) This court has refused to apply res judicata on issues that the Defendant could and should have argued before summary judgment was decided and reversed, it would not make sense, and will not make the court look good in the public's eye to apply res judicata when the primary reason I did not present evidence for the claims in 2019 is because this court allowed Aidan Kearney to threaten and harass every witness. "It is the general rule that issue preclusion attaches only 'when an issue of fact or law is actually litigated and determined by a valid and final judgment, and the determination is essential to the judgment.' In the case of a judgment entered by [impairment and witness intimidation,] confession, consent, or *default*, none of the issues is actually litigated." Arizona v. California, 530 U.S. 392, 414 (2000) Quoting Restatement (Second) of Judgments § 27, p. 250 (1982)

/S/ Rian Waters
(530)739-8951 Watersrian@gmail.com Dated: April 19th 2022

Certificate Of Service

I, Rian Waters, hereby certify that I will today serve a copy of the motion and affidavit upon Kearney by first class mail at 111 Mason rd. Jefferson MA 01522

/S/ Rian Waters
(530)739-8951 Watersrian@gmail.com Dated: April 19th 2022

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT
CIVIL ACTION NO. 1879CV00344

RIAN WATERS,
Plaintiff

vs.

AIDAN KEARNEY,
DEFENDANT

)
)
)
)
)

05/09/2022

Affidavit of Rian Waters

- 1) Redetermining will be fruitful as Samantha Cardin's version of events does not make sense and her story has significantly changed.
- 2) During the April 15th 2022 deposition of Samantha Cardin, Aidan Kearney and Samantha made the following statements starting at 43:30. (Rough Transcript stated the same except my name was typed Brian.)
 - a) Samantha Cardin "if we're going to bring this case back around, we're going to do it correctly and you' re gonna go down for beating the shit out of me and killing that dog."
 - b) Samantha Cardin: "So if you wanna bring this case back up, Rian, let's bring this case back up."
 - c) Aidan Kearney: "Let's do it."
 - d) Samantha Cardin: "Let's do it. Let's do it"

Signed under the pains and penalties of perjury 4/18/2022

/s/ Rian Waters WatersRian@gmail.com (530) 739 8951

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT
CIVIL ACTION NO. 1879CV00344

RIAN WATERS,
Plaintiff
vs.
AIDAN KEARNEY,
WORCESTER DIGITAL MARKETING, LLC
TURTLEBOY ENTERPRISES, LLC
JOHN DOES 1-10,
Defendants

HAMPDEN COUNTY
SUPERIOR COURT
FILED
MAY 17 2022

CLERK OF COURTS

MOTION FOR SANCTIONS AND OR DEFAULT

Kearney should be defaulted as Fraud on the court is proven with clear and convincing evidence, particularly Exhibit F. See attached Memorandum and exhibits.

Respectfully submitted

/S/ Rian Waters
(530)739-8951 Watersrian@gmail.com Dated: April 21st 2022

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT
CIVIL ACTION NO. 1879CV00344

RIAN WATERS,
Plaintiff

vs.

AIDAN KEARNEY,

WORCESTER DIGITAL MARKETING, LLC

TURTLEBOY ENTERPRISES, LLC

JOHN DOES 1-10,
Defendants

HAMPDEN COUNTY
SUPERIOR COURT
FILED

MAY 17 2022


CLERK OF COURTS

MEMORANDUM IN SUPPORT OF MOTION FOR SANCTIONS AND OR
DEFAULT

Kearney should be defaulted as Fraud on the court is proven with clear and convincing evidence, particularly Exhibit F.

Legal Standard:

"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." Choi v. Toyota Motor Sales USA, Inc., 93 Mass. App. Ct.

1101, (Mass. App. Ct. 2018) “Because corrupt intent knows no stylistic boundaries, fraud on the court can take many forms.” Aoude v. Mobil Oil Corp., 892 F.2d 1115, 1118 (1st Cir. 1989) “When a fraud on the court is shown through clear and convincing evidence to have been committed in an ongoing case, a trial judge has the inherent power to take action in response to the fraudulent conduct. The judge has broad discretion to fashion a judicial response warranted by the fraudulent conduct. Dismissal of claims or of an entire action may be warranted, as may be the entry of *a default judgment*.” Munshani v. Signal Lake Venture Fund II, LP, 60 Mass. App. Ct. 714, 714 (2004) (“The ultimate sanction of [default] is not limited to instances of behavior that are technically defined as fraud on the court.”) “[T]he judge should take pains neither to use an elephant gun to slay a mouse nor to wield a cardboard sword if a dragon looms. Whether deterrence or compensation is the goal, the punishment should be reasonably suited to the crime. Nevertheless, whichever purpose is to be served — and often, sanctions are designed to serve some combination of the two prime purposes — the trial court's discretion in fashioning sanctions is broad.” Anderson v. Beatrice Foods Co., 900 F.2d 388, 395 (1st Cir. 1990) “Every judge *must* exercise his

inherent powers as necessary to secure the full and effective administration of justice.” Commonwealth v. O’Neil, 418 Mass. 760, 764-5 (Mass. 1994) (“[T]he power of the judiciary to control its own proceedings, *the conduct of participants*, the actions of officers of the court and the environment of the court is a power *absolutely necessary* for a court to function effectively and do its job of administering justice.”) “No court should condone the unconstitutional and [~~possibly~~] criminal behavior of those who planned and executed [the November 19th, 2021, obstruction scheme.]” United States v. Payner, 447 U.S. 727, 733 (1980) All courts are bound by the Constitution, including this one. Marbury v. Madison, 5 U.S. 137, 180 (1803) “It is essential to the preservation of the rights of every individual, his *life, liberty*, property, and *character*, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit.” Mass. Const. Pt. 1, art. XXIX

“Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty and property, according to standing laws.” Mass. Const. Pt. 1, art. X

“Every subject of the commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. *He ought to obtain right and justice freely*, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay; *conformably to the laws.*” Mass. Const. Pt. 1, art. XI

“From these provisions, it necessarily follows that courts of general jurisdiction have the inherent power to do whatever may be done under the general principles of jurisprudence to insure to the citizen a fair trial, whenever his *life, liberty*, property or *character* is at stake.” O'Coin's, Inc. v. Treasurer of the County of Worcester, 362 Mass. 507, 509-10 (Mass. 1972)

I also have a Ninth Amendment and or Fourteenth Amendment right to protection in the courts. The Massachusetts Constitution states that the right “of access to *and protection in courts of justice*,” while not explicitly stated, was included in the Declaration of Rights. Massachusetts Constitution 48, Init., Pt. 2, § 2 I therefore argue it was one of the obvious rights that “were retained by the people” that are protected by the Ninth Amendment. “The administration of justice by an

impartial judiciary has been basic to our conception of freedom ever since Magna Carta. It is the concern not merely of the immediate litigants. Its assurance is everyone's concern, and it is protected by the liberty guaranteed by the Fourteenth Amendment. That is why this Court has outlawed mob domination of a courtroom, mental coercion of a [Plaintiff and his witnesses"] Bridges v. California, 314 U.S. 252, 282 (1941) citations omitted. "In its Fourteenth Amendment, the Constitution imposes on the States the standards necessary to ensure that judicial proceedings are fundamentally fair. A wise public policy, however, may require that higher standards be adopted than those minimally tolerable under the Constitution." Lassiter v. Department of Social Servs., 452 U.S. 18, 20 (1981)

"These constitutional guaranties have been rigidly enforced." King v. Grace, 293 Mass. 244, 246 (Mass. 1936)

"It is not enough that we know ourselves to be fair and impartial or that we believe this of our colleagues. Our power over our fellow citizens requires that we appear to be so as well" In the Matter of Brown, 427 Mass. 146, 149 (Mass. 1998) "Ensuring the public's safety is of the first

order of government, a duty underlying all government action.” Lavallee v. Justices in the Hampden Superior Court, 442 Mass. 228, 229 (2004)

“All parties, whether represented by attorneys or not, are obligated to proceed in good faith, to act with reasonable diligence to bring their litigation to a final conclusion, and to conduct themselves with at least that modicum of civility, courtesy and respect, for both the court and other parties, that simple common decency and common sense dictate. While pro se parties are not subject to the specific, professional canons of ethics which bind members of the bar, they are as obligated, at the very least, to refrain from any action which obstructs or degrades the administration of justice or derogates from the authority and dignity of the court.” Reznik v. Friswell, 2003 Mass. App. Div. 42, 44 (Mass. Dist. Ct. App. 2003) (quotations omitted)

“A judge need not wait for [every possible] witness to be [harassed and] intimidated, the court room to be disrupted, or a specific threat before taking appropriate steps to address the risk of such misconduct.” Commonwealth v. Cabral-Varela, 17-P-987, at *6-7 (Mass. App. Ct. Mar. 7, 2019) “Courts cannot function smoothly if parties, and counsel, ignore the rules, overlook due dates, or flout court orders. In this sense,

sanctions may be a useful tool in vindicating the court's authority, reminding those who need reminding of the protocol, and ensuring orderliness in the judicial process. As compensation, sanctions recognize that a litigant's failure to abide court orders and rules, or his disregard of obligations inherent in the conduct of litigation, harm not only the system but the other participants in the process. Sanctions, then, can have a contrapuntal effect, adjusting the scales so that the extra time, effort, and expense to party "A" which occurs in consequence of the dereliction of party "B" can be repaid in some equitable fashion.

In general, a trial court confronted by sanctionable behavior should consider the purpose to be achieved by a given sanction and then craft a sanction adequate to serve that purpose.” *Anderson v. Beatrice Foods Co.*, 900 F.2d 388, 395 (1st Cir. 1990) “The purpose for which courts are established is to do justice. A fundamental principle of free institutions was stated by Hamilton in these words: ‘Justice is the end of government. It is the end of civil society. It ever has been, and ever will be pursued, until it be obtained or until liberty be lost in the pursuit. In a society, under the forms of which the stronger faction can readily unite and oppress the weaker, anarchy may as truly be said to reign, as in a state

of nature where the weaker individual is not secured against the violence of the stronger.” (The Federalist, ed. 1864, No. 51, p. 401.) Crocker v. Justices of the Superior Court, 208 Mass. 162, 179-80 (Mass. 1911)

1) Fraud on the court is proven with clear and convincing evidence

On November 19th, 2021, Kearney got served with a motion presenting my therapist as a witness stating that his harassment caused significant distress and impaired my ability to litigate. Kearney shared a copy of my motion signed by the sheriff into a Facebook group chat titled #BlogDat 34 minutes after the sheriff served him. (Exhibit B) Kearney created a fake Facebook account in my name (Exhibit E) and he tried to frame me for threatening to rape and murder his children. I sent Kearney’s lawyer in the federal case screenshots of the fake profile and threats (that are now Exhibit E,) and told him I was going to the US Marshalls as soon as possible. Kearney’s lawyer forwarded my email to Kearney saying “it’s getting worse bro.” Kearney forwarded his lawyer’s email into his #BlogDat Facebook group chat. (Exhibit F 01-2) (independently proving it was Kearney) Laura Hakes asked what was going on, and Kearney explained that he tried to frame me for

threatening his children to stop me from filing in lawsuits. (Exhibit F 03)
A witness presented evidence proving that Kearney orchestrated the conspiracy. (Exhibit A) Kearney threatened and extorted her on January 15th, 2022 (Exhibit D at 9& 13-16) trying to stop her from giving me Exhibit B, and F. Kearney admitted to the Holden police department that he was the only person with access to the Facebook account Clarence Woods Emerson, (Exhibit C pg 5 at 1, 2, and 4) that was in his conspiracy group chat #BlogDat. (Exhibit C pg 3 at 2)

Because of Kearney's obstruction I was unable to fairly respond to the affidavit and opposition that was served a few hours before the December 2nd, 2021, hearing. I have had a hard time eating and sleeping since Kearney sent the threats.

Kearney harassed me to obstruct Samantha Cardin's deposition.

Samantha Cardin was calmly answering questions before Aidan Kearney showed up (he was ~45 minutes late.) Kearney turned the deposition into a carnival with lengthy outbursts and insults under the guise of objecting. This conduct misled Samantha into thinking that she did not have to take the deposition serious.

I asked Samantha Cardin if she assume[d] I was still operating my business when we broke up?

Samantha Cardin: "Yeah, I definitely assume you were still manufacturing and distributing hash oil, absolutely."

Rian Waters: "That was not the question that strike that."

Aidan Kearney: "No good answer, I like it. We won't be striking that."

Samantha Cardin: "So are you just gonna ask me like 6000 questions because I really need to get to work."

Aidan Kearney: "Yeah, some of us are productive citizens Rian and we have things to do, unlike you. I know it's not going as you planned, I know. Life isn't really going as planned for you at all"

Rian Waters: "Can you Mr Kearney?"

Aidan Kearney: "Ohh you invited me, here I am, again like she said this is your choice Rian. You are choosing to do this."

Kearney loudly objected and derailed a line of questioning about Samantha Cardin's and my vacations. Kearney implied to Samantha that she did not have to answer any questions that they didn't plan on,

shouting “none of this has anything to do with anything, Rian is just simply trying to continue to abuse Sam and he is using this deposition as a way to contact her that’s all this is.”

I said, “you are both obstructing.”

Kearney replied “you are an abusive psychopath, you kill dogs, and you beat woman. I want that on the record.”

I believe Kearney did this to throw me off and so he could coach Samantha before she gives more testimony. I had chosen that line of questions to deescalate the situation, but the questions were relevant to Samantha Cardin’s credibility as she has said a lot of wild lies about our relationship, and the questions were relevant to my reputation as I had a lot of interesting friends all over the country that would let us use their guest bedrooms with generous hospitality.

A short time later Samantha Cardin started crying, and she said she would rather not answer any more questions until she has a lawyer.

Kearney has consistently attacked me and everyone that helps me before court dates.

On January 15th, 2022, Kearney extorted the woman that provided Exhibit A, and said if she doesn't call him, that he would go to her court hearing and try to send her to jail. On February 17th, 2022, Kearney followed through with his extortion threat against my witness and said presenting evidence against him is the stupidest thing anyone could do because everyone knows he is uncontrollably vindictive.

On or about October 18th, 2018, I presented an affidavit to this court by a man named Michael Gaffney, (Docket 15.3) detailing Kearney's consistent obstructive tactics. Kearney had an employee create gay porn images of me and Gaffney together, and repeatedly harassed both of us for it before court hearings. (Docket 67.2 at 19) On January 9th, 2019, the Superior court interrupted me from reading death threats, because she found the first one too mild, and she sua sponte argued that the First Amendment protected mild threats without need for debate. 1/9/19 Transcript volume 1 pg 11. She also implied that she did not care about threats unless they were published in Kearney's name. The court refused to grant an injunction allowing me to present evidence because the court thought it could overrule and retire the settled law in Maloof and Lundin. After the court gave Kearney permission to send threats, I got flooded

with death threats and harassment impairing me to the point I couldn't do basic obligations. 3/12/2019 Transcript pg 8 On January 22nd, 2019, Kearney threatened to harass my roommate because I used her address for the court case. (Docket 42 Exhibit A pg 5&6) Kearney threatened to kill my daughter¹ on February 13th, 2019 (Docket 67.2 at 31) Kearney has admitted the goal of the articles that he published before court hearings was to destroy me. (Docket 67.2 at 13-15) At the summary judgment hearing I explained that the harassment critically impaired my mental health and that Kearney consistently harassed me before every important event. "if I do a deposition, they're going to harass me before..." 3/12/19 Transcript pg 18. The Court asked if that was speculation and I responded, "They've harassed me nonstop every single one." Kearney did not deny or reply. On June 23rd 2019, Kearney discussed this case, and then said if you participate in a court case against him that he will ruin your life, and that he would get sexual pleasure doing so. (Docket 67.2 at 18) On July 11th 2019, Kearney said he would harass anyone that hired me. (Docket 67.2 at 17) On January 25th 2020, five days after this case

¹ Because I can prove that Kearney threatened to murder my daughter the last two years in a row, I can circumstantially prove the threat to murder my daughter before a court date on his website three years ago was also him.

was docketed in the Appeals court, Kearney showed pictures of me and my house and told his public shaming blog what my address is, and said the world would be better off with me dead. (Docket 67.2 at 33) On 10/21/2020 I renewed my request for an order listing new evidence. Docket 67, the court responded to the new and old allegations stating, “[t]he issues raised in this motion have been previously raised, considered, and ruled upon prior to entry of summary judgment for defendant.” 12/22/20

My health is crumbling because of Kearney’s threats

I told the court in 2019 that the threats and harassment put me in a coma like state and prevented me from presenting evidence. Kearney has consistently exploited my mental health that he is the identified cause and stressor of, by threatening me before hearings and after court filings. I have not been able to reasonably eat or sleep since November 19th 2021.

Respectfully submitted

/S/ Rian Waters
(530)739-8951 Watersrian@gmail.com Dated: April 21st 2022

EXHIBIT A

2:04

5G

Done

Edit

**Rian Waters**

Aidan, Aidan, Aidan, you never seem to learn. Don't forget, I know where you live, and I know what is most precious to you. If you had to pick one of them to live, which one would it be? Tick tock.



Just now Like Reply

**Wendy Simpson Harrington**

What a freakin waste of our judicial systems time. They should file against him for that. Sorry you're dealing with another stupid attempt at a case

5h Like Reply

1

**Erin Ribeiro**

You can look up any professional license on the [mass.gov](https://www.mass.gov) website.



Write a comment...



More

Done

Edit

**Rian Waters**

Better watch what you say about me Aidan. Wouldn't wan anything to happen to your daughter now would we?



Just now Like Reply

**Wendy Simpson Harrington**

What a freakin waste of our judicial systems time. They should file against him for that. Sorry you're dealing with another stupid attempt at a case

5h Like Reply

1

**Erin Ribeiro**

You can look up any professional license on the [mass.gov](https://www.mass.gov) website.

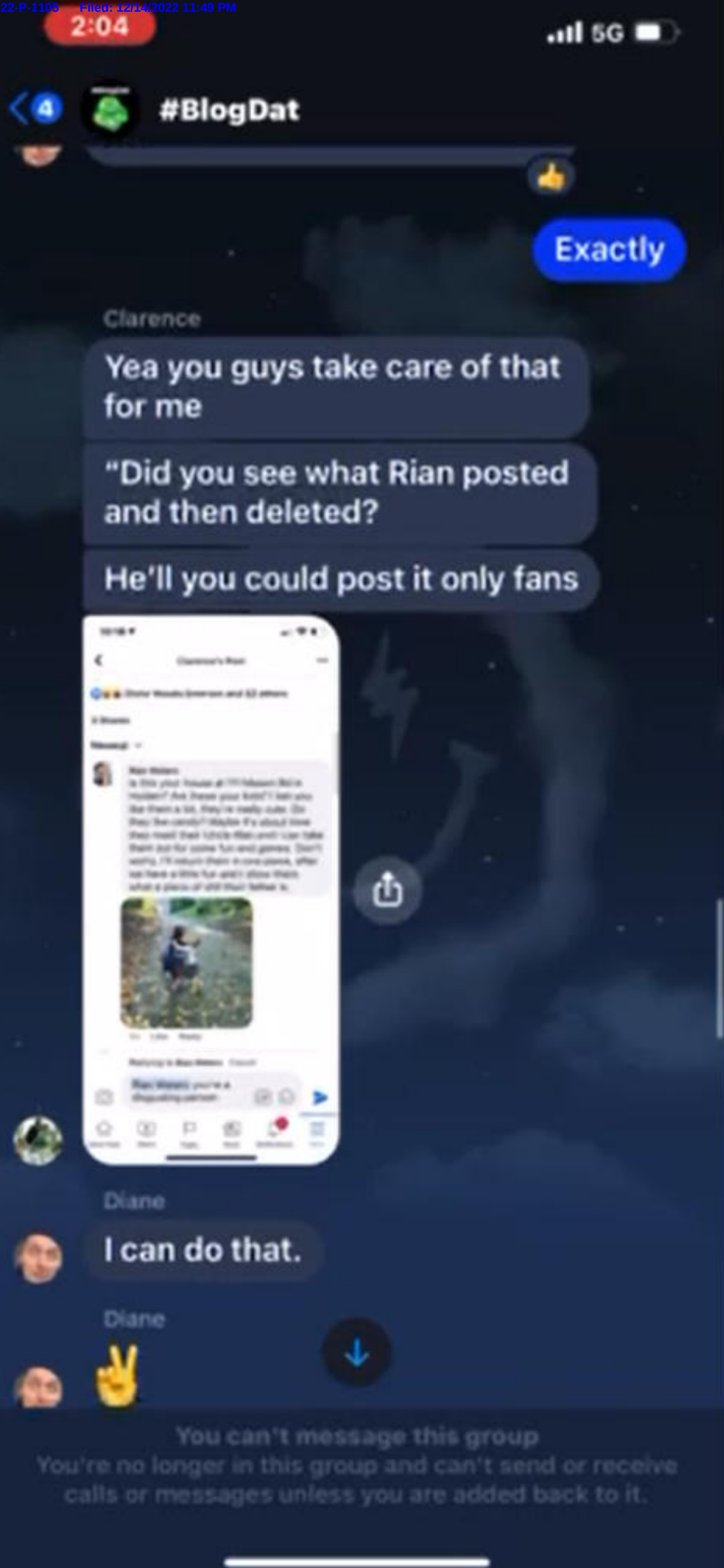
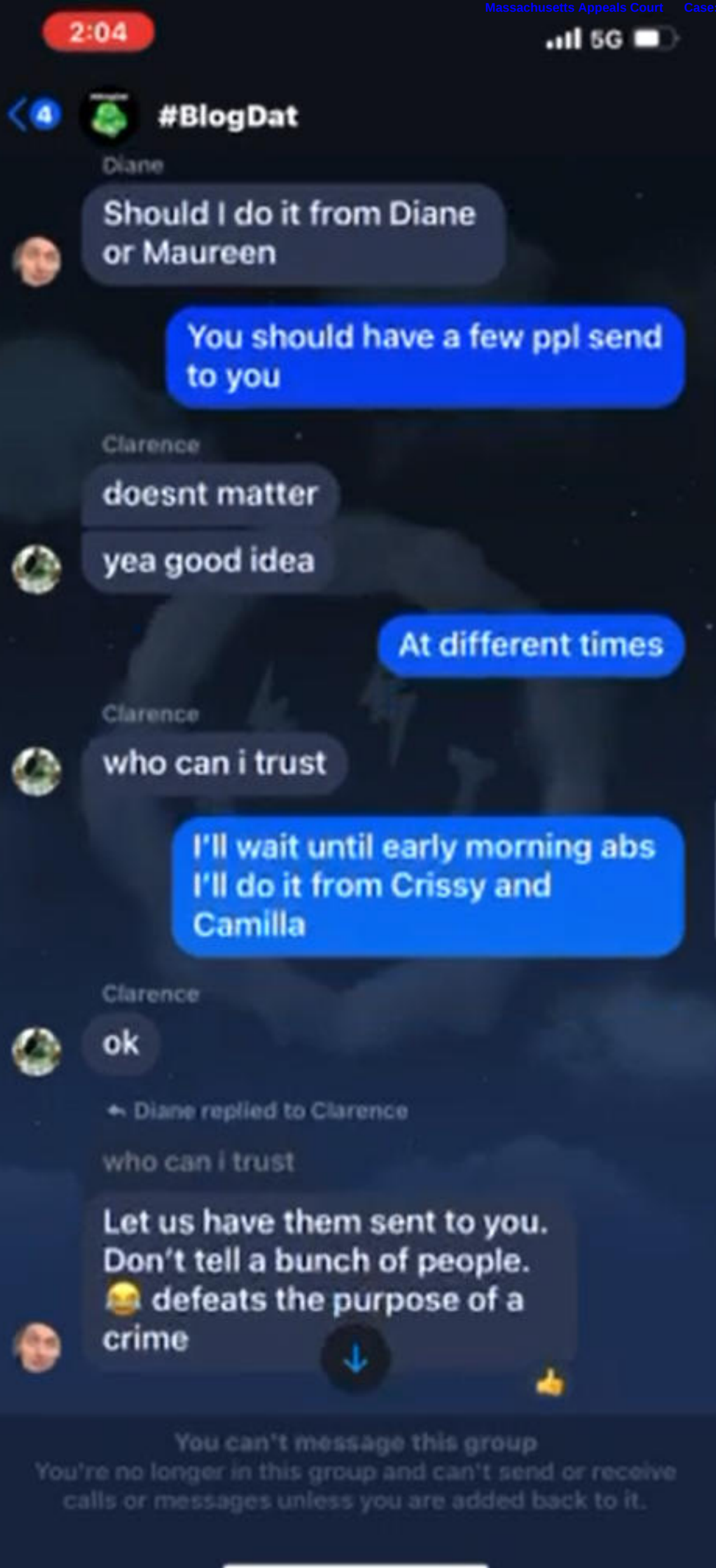
Mass.gov
mass.gov

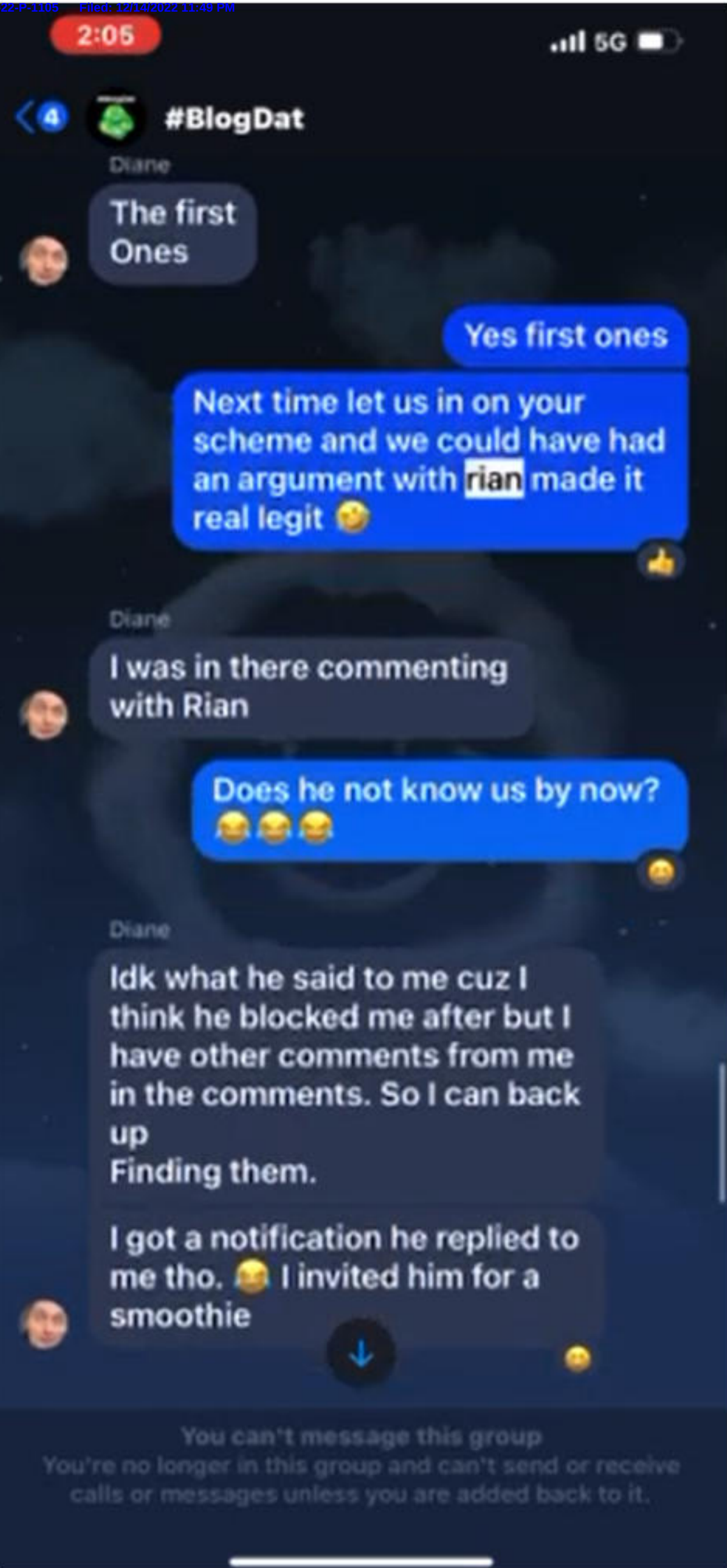
Write a comment...



More







2:08

5G

< 4 #BlogDat

Clarence

my cell phone and laptop were subpoenaed? thats news to me

Diane

Did you get notified about Rian yet?

Clarence

yea i got his latest bullshit dismissed

but i didnt get an order on him

i spoke to the clerk, theres nothing in the denial of the order about "harassment through the court"

kates a pathological liar

← Laura replied to Clarence

my cell phone and laptop were subpoenaed? thats news to me

How would you find out if that was the case?

← Laura replied to Clarence

i spoke to the clerk, theres

You can't message this group
You're no longer in this group and can't send or receive calls or messages unless you are added back to it.

2:09

5G

< 4 #BlogDat

← Clarence replied to Laura

How would you find out if that was the case?

I wouldve been served by the courts

Clarence

shes talking about Rian Waters motion to force the court to subpoena my phone and facebook. Shes reaching

the only thing she has right is that i lost with bret

which is disappointing, but we knew this was a possibility

Omg

Diane

So that shit from Rian was from 2 days ago and you got it quashed ?

Good

← You replied to Diane

So that shit from Rian was from 2 days ago and you got it quashed ?

You can't message this group
You're no longer in this group and can't send or receive calls or messages unless you are added back to it.

2:09

5G

< 4 #BlogDat

So that shit from Rian was
from 2 days ago and you got
it quashed?

It was quashed? I have no idea
what's going on.

← Clarence replied to Diane

So that shit from Rian was
from 2 days ago and you got
it quashed?

sorry, what shit from rian?
Theres so much its hard to
keep track

← Laura replied to Clarence

I wouldve been served by
the courts

Would they know before
you were?

Clarence

i wouldnt even know what
court shes referring to

← Laura replied to Clarence

i spoke to the clerk, theres
nothing in the denial of the
order about "harassment..."

Unless it was served verbally, if
they do that?

You can't message this group

You're no longer in this group and can't send or receive
calls or messages unless you are added back to it.

2:09

5G

< 4 #BlogDat

Rian waters has a new court
date for you to subpoena
phones and computers?

Clarence

he tried and failed

and my bank account too

When did he try?

Laura

A couple of months ago?
I lost track

This sounds way more recent

Only we knew about the fake
Ryan profile of the threats he
put in the comments

I specifically sent a message
with a screenshot that said
"hey look at this"

Clarence

Rian suspects they were fake

So is that yet another thing I
have to worry about?

Clarence

You can't message this group

You're no longer in this group and can't send or receive
calls or messages unless you are added back to it.

2:09

5G



4



#BlogDat

So is that yet another thing I have to worry about?

Clarence

why would you be?

im the one who did it

I don't know

Clarence

think of all the shit they could have on me if they had access

im not letting it ruing my dat day

dont let it ruin yours

if they hacked into my account they broke the law. They cant show anything. If they did I'd just say its fake anyway. People assume kate is a liar

I'm just being a nervous Nelly that's all

Considering people hacked your phone and all I'm legit an accomplice once again

You can't message this group
You're no longer in this group and can't send or receive calls or messages unless you are added back to it.

EXHIBIT B

NOV 19, 2021, 10:52 AM

Clarence

Sheriff just showed up at my house

SUMMONS AND ORDER OF NOTICE	DECKET NUMBER 157NCV0334	Trial Court of Massachusetts The Superior Court
CASE NAME Waters, Rian vs. Peppering, Arden et al	157 NCV 0334 A TRUE COPY ATTEST  DEPUTY SHERIFF	Luke T. Gentile, Clerk of Court
TO Arden Peppering 111 Main St Jetherson MA 01522	COURT ROOM # 2000000 Hampden County Superior Court Hall of Justice - 10 State Street P.O. Box 1000 Springfield MA 01102	

To the above named defendant(s):

You are hereby summoned and required to serve upon
Rian Waters
6 Liberty Square
PMO #140
Springfield, MA 01108

an answer to the complaint which is herewith filed with you. This must be done within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint. You are also required to file your answer to the complaint in the office of the Clerk of this Court at Springfield either before service upon defendant's attorney or within a reasonable time thereafter.

Unless otherwise ordered by Rule 13(b), your answer must state as a counterclaim any claim which you have against the plaintiff which grows out of the transaction or occurrence that is the subject matter of the prosecution or you will thereafter be barred from raising such claim in any other action.

NOT RECORDED BY YOU that application for an Attachment has been made in said action, as it appears in the N. Parker Motion. If hearing on this matter has been scheduled for:

Date: 11/21/2000
 Time: 09:00 AM
 Court: Hearing on Motion for Attachment
 Session Location: Court A

MA 200000
 Judge Judge
 Meeting ID: 162 5616 2000
 Password: 162566

If of which time you may appear and show cause why such application should not be granted.

DECKET NUMBER 157NCV0334	COURT ROOM # 2000000 Hampden County Superior Court Hall of Justice - 10 State Street P.O. Box 1000 Springfield MA 01102	DECKET NUMBER 157NCV0334
------------------------------------	---	------------------------------------

RETURN OF SERVICE

I hereby certify and return that on _____ I served a copy of this summons, together with a copy of the Complaint

J

11-15-21
JUL 19 10 44 AM
RECEIVED
CLERK OF SUPERIOR COURT
MASSACHUSETTS
SOUTHERN DISTRICT

COMMONWEALTH OF MASSACHUSETTS

HAMPSHIRE COUNTY,

1879CV05548

RIAN WATERS,
Plaintiff

AIDAN KEARNEY,
Defendant

MRCP 4.1 Attachment
HAMPSHIRE COUNTY
SOUTHERN DISTRICT
FILED
JUL 21 2021
CLERK OF SUPERIOR COURT

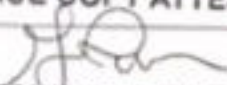
[Signature]
CLERK OF SUPERIOR COURT

Plaintiff's Amended Ex Parte Motion to Attach Defendant's Bank Accounts

Pursuant to MRCP 4.1, I Pro se plaintiff Rian Waters, move for this court to approve the attachment of Defendant Aidan Kearney's personal TD Bank account, and his TD Bank business bank account (Turtleboy Digital Marketing LLC, (which is dissolved) in the amount of \$10,000 each (\$20,000 total). The court should grant the attachment because there is a reasonably likelihood that I will recover judgment in an amount equal to or greater than the amount of the attachment. Aidan Kearney does not have any relevant insurance, and there is a clear danger that the defendant if notified in advance of attachment of the

New Exhibit AAR: Kearney changed Turtleboy
to Worcester Digital Marketing LLC on 12/06/20
for his bank account.

LLC's name to
(the original name

SUMMONS AND ORDER OF NOTICE		DOCKET NUMBER 1879CV00344	Trial Court of Massachusetts The Superior Court
CASE NAME Waters, Rian vs. Kearney, Aidan et al		11/19/21 A TRUE COPY ATTEST  DEPUTY SHERIFF	Laura S Gentle, Clerk of Courts
To Aidan Kearney 111 Mason Rd Jefferson MA 01522		COURT NAME & ADDRESS Hampden County Superior Court Hall of Justice - 50 State Street P.O. Box 559 Springfield, MA 01102	

To the above named defendant(s):

You are hereby summoned and required to serve upon:
 Rian Waters
 6 Liberty Square
 PMB #242
 Boston, MA 02109

an answer to the complaint which is herewith served upon you. This must be done within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, Judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this Court at Springfield either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

WE ~~WILL~~ NOTIFY YOU that application for an Attachment has been made in said action, as it appears in the **State Notice**. A hearing on this matter has been scheduled for:

Date: 11/23/2021

Time: 02:00 PM

Event: Hearing on Motion for Attachment

Session Location: Civil A -

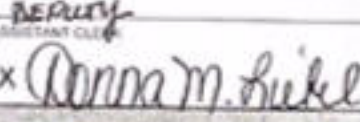
VIA ZOOM:

Judge Hodge

Meeting ID: 161 0474 2055

Passcode: 780264

at which time you may appear and show cause why such application should not be granted.

DATE ISSUED	CHIEF JUSTICE OF THE SUPERIOR COURT	ASSOCIATE JUSTICE	DEPUTY ASSISTANT CLERK
11/15/2021	Hon. Heidi E Brieger	Hon. David Hodge	 x Donna M. Riekel

RETURN OF SERVICE

I hereby certify and return that on _____, I served a copy of this summons, together with a copy of the Complaint.

PARTY NAME:
 X GC

[More](#)

EXHIBIT C

**Holden Police Department
Incident Report****Page: 1
01/18/2022****Incident #: 2101-711-OF
Call #: 21-52746**

Date/Time Reported: 12/30/2021 1854
Report Date/Time: 12/30/2021 2013
Status: Incident Open

Reporting Officer: OFFICER JONATHAN SANTIMORE
Assisting Officer: DETECTIVE TODD VENTRES
Approving Officer: SERGEANT JASON CONSIGLIO

Signature: _____

Signature: _____

#	OFFENSE(S)	ATTEMPTED	TYPE
	LOCATION TYPE: Residence/Home/Apt./Condo TOWN OF HOLDEN PUBLIC SAFETY BUILDING 1370 MAIN ST HOLDEN MA 01520	Zone: NORTH	
1	HACKED COMPUTER	N	Not Applicable

#	VICTIM(S)	SEX	RACE	AGE	SSN	PHONE
1	KEARNEY, AIDAN T 111 MASON RD JEFFERSON MA 01522-1314 DOB: [REDACTED] EMPLOYER: TURTLEBOY SPORTS ETHNICITY: [REDACTED] RESIDENT STATUS: Non Resident VICTIM CONNECTED TO OFFENSE NUMBER(S): 1 CONTACT INFORMATION: Home Phone (Primary) [REDACTED] Home Phone [REDACTED] CallBack Number (Primary) [REDACTED]	M	[REDACTED]	40	[REDACTED]	[REDACTED]

#	PERSON(S)	PERSON TYPE	SEX	RACE	AGE	SSN	PHONE
1	CONFIDENTIAL						
2	CONFIDENTIAL						
3	CONFIDENTIAL						
4	CONFIDENTIAL						

Holden Police Department**Page: 1****NARRATIVE FOR OFFICER JONATHAN M SANTIMORE****Ref: 2101-711-OF**

Entered: 12/30/2021 @ 2020	Entry ID: JMS
Modified: 12/30/2021 @ 2036	Modified ID: JMS
Approved: 01/12/2022 @ 2144	Approval ID: JPC

Dispatched to the lobby to speak with party in regards to his computer being hacked. Arrived, and spoke with Aidan Kearney, he relayed the following: Aidan had a court hearing yesterday to try to get an RO against Brett Killoran. Before going to court Aidan wrote up what he wanted to say and sent it to himself via Facebook Messenger. Later that day Brett posted an excerpt from Kearney's note that he had sent to himself. Kearney advised there is no way anyone has access to that account.

Also, later that day Leigh Genduso made a comment on her Youtube page that Kearney was into girls who had tattoos on their lower back and described said tattoo. Kearney states he recently had a relationship with a female that had that same tattoo that Genduso described. Genduso also described a picture of him and this female in a mirror where the female is holding Kearney's penis. Kearney states that the photo was on his laptop and no has access to that either. That photo has since been distributed on multiple social media sites.

Kearney believes that Kate Peters (posted picture), Brett Killoran, or Leigh Genduso have something to do with his computer being hacked. Kearney advised he also call MSP Cyber Crimes Unit to help with his case. He was advised that this would be forwarded to the DB.

Holden Police Department**Page: 1****NARRATIVE FOR DETECTIVE TODD M VENTRES****Ref: 2101-711-OF**

Entered: 01/10/2022 @ 1144	Entry ID: TMV
Modified: 01/18/2022 @ 1441	Modified ID: TMV
Approved: 01/12/2022 @ 2144	Approval ID: JPC

1. This Officer spoke to several people regarding this case. It is apparent that Kearney trusted people in his inner circle with information/texts messages/pictures that they in turn distributed to others namely Kate Peter and Leigha Genduso.
2. This Officer spoke with Cristina Yakimowsky who was honest and admitted to getting several messages, photographs, videos and information that were either sent to her directly via text message from Kearney himself, or from a group text/chat between her, Kearney (Aidan Kearney and Clarence Woods Emerson in messages), Cristine Gagne (Diane Woods Emerson in messages), and Kearney's friend Laura Hake (Spicy Laura in messages). Yakimowsky admitted to giving/sending information as well as copies of messages, pictures and videos to Kate Peter and Leigha Genduso as she was not happy with the way things were going with Kearney and what he was doing to hurt and harm people via social media. Yakimowsky said she admitted to Kearney via a text message that she was the one that gave the information about him to Peter and Genduso. Yakimowsky stated that she is scared to death of retaliation from Kearney for giving out his information. It should be noted that several of the pictures and videos sent to Yakimowsky from Kearney are sexual and explicit that involve Kearney and his girlfriend Lauren Murray in sexual content as well as intercourse.
3. I then met with Kearney and advised him of some information that I obtained and he stated that he had no knowledge prior to this officer investigating of what had happened and that he definitely believed that he was a victim of being hacked. Kearney said that he did get a message from Yakimowsky stating that she said she did it (that she gave information to Peter and Genduso), but he thought that she was joking in the text message. Kearney did buy a new cell phone with a new number, replaced the wifi router from Charter Spectrum and was in the process of getting a new computer. All of these actions were after he (Kearney) made the initial report to HPD, and prior to this Officer obtaining the information of the "leak", therefore I do believe that Kearney did in fact believe that he was "hacked". There will be no charges for filing a false report to the police due to the facts and circumstances in this case.
4. This case is closed.

Holden Police Department**Page: 1****FROM LAURA HAKES****Ref: 2101-711-OF**

Entered: 01/13/2022 @ 1329	Entry ID: TMV
Modified: 01/13/2022 @ 1330	Modified ID: TMV
Approved: 01/14/2022 @ 2115	Approval ID: JPC

EMail from Laura Hakes (hakes.laura@gmail.com)

Afternoon,

My name is Laura Hakes and I'm based in London, UK. I understand that you've been speaking to people regarding events surrounding Aidan Kearney believing his phone to be hacked.

I'm contacting you because I was in a group chat on Facebook with Aidan Kearney, Cris Gagne, and Chrissy Yakimowsky and have some information that I believe you should know.

In early December we started to notice that things we were saying in our group chat were being repeated verbatim by Kate Peter on her YouTube show and by others in her live chat. Crissy said that she thought her device was hacked, due to suspicious login alerts she was receiving. Crissy began to float theories about how Kate would somehow have this information, but never mentioned that she was the one sending out screenshots of our conversations

Aidan was initially skeptical that the conversation was being read by hackers, but as time went on Crissy convinced us that it was. She urged him to go to the police and pretended to be scared that our conversations were being read by hackers. Had she not done that the police would never have wasted their time on what we now know was Crissy sending screenshots to Kate Peter or to Kate Peter via Leigha Genduso. Included in those screenshots is my name, which Kate went on to publish on her blog. As a result of this I have received threatening messages and comments from several people.

Aidan made the group aware that people claiming to be hackers were texting him. Crissy knew these people were not hackers, but allowed Aidan to think they were. He became concerned once he realised that he had sent videos of his kids in the bathtub to himself on Facebook and showed us a screenshot of him doing so. He then sent that screenshot to the hackers (not the actual video).

I have screenshots of our conversation showing Crissy doing all of these things and would be happy to provide them. Unfortunately, with the time difference and my availability it is difficult for me to speak to you on the phone. If it is possible, I am quite willing to provide you with anything you need via email if that is sufficient? I would just need to know what sort of information you required.

Looking forward to your response

Laura

Holden Police Department**Page: 1****WITNESS STATEMENT/EMAIL FROM AIDAN KEARNEY****Ref: 2101-711-OF**

Entered: 01/03/2022 @ 0859	Entry ID: TMV
Modified: 01/13/2022 @ 1331	Modified ID: TMV
Approved: 01/12/2022 @ 2144	Approval ID: JPC

Email from Aidan Kearney (turtleboysports@gmail.com) statement of facts:

I realize that what I'm sending you now is likely not something local police have the resources to investigate, but the state police cyber crimes unit told me to go to my local police first anyway.

My Facebook, computer, wifi, and website have all been hacked. In the past couple of weeks I have noticed that messages I've sent on Facebook messenger have been repeated verbatim by Kate Peter and Leigha Genduso on YouTube channels. Information they could only have if they had access to my account. I didn't think this was possible but then other things started happening this week:

1. Prior to a harassment order hearing in Leominster Court on Wednesday I wrote up a statement that I wanted to read out loud in court and sent it to myself via Facebook messenger so it would be easily accessible on my phone. Within an hour of the hearing ending the defendant posted a screenshot of the message I sent myself. He, along with Leigha, taunted me online with it, claiming they had my statement the day before court (when I sent it to myself). There is no way either of them could have been in possession of that message without access to my account.
2. I noticed on my logins of both of my Facebook pages (Clarence Woods Emerson and Aidan Kearney) that an IP address began logging into my account for about 10 minutes starting in May, but appearing more frequently starting December 11. This is when Kate and Leigha started repeating verbatim things I was saying in private messages.
3. My website, TBDailyNews.com, was hacked. The hackers gained access to the backpage and deleted the Turtle Club (a special feature where people pay money to get extra content) and the donation link. This made it impossible for me to monetize the website, and I had to pay my web developer to rebuild it from scratch.
4. Naked pictures that I had sent myself in Facebook messenger (and only myself) were posted by Kate Peter on her Masshole Report Facebook page and YouTube page. These pictures were not sent to anyone, and could only be accessed by someone who was logged into my Facebook account:
<https://www.facebook.com/MassholeReport/posts/641225297293381>
https://www.youtube.com/channel/UC4C9IZMYUG64_4fwsipGMtQ/community?lb=UgkxkFwprEB7QCarvFDOoyhnKQIAvY9UCIC
5. I routinely send myself pictures via FB messenger because it's the easiest way to transfer images from my phone to my computer. The hackers had access to all of my Facebook messages, which includes videos of my children in the tub. These were private videos meant for my eyes only, and the thought of a stranger now having possession of them is terrifying.
6. Every single person who has ever messaged me on Facebook is a victim of this as well. People send me story ideas every day, and over the years thousands of people have confided in me. All of their information and identities are now compromised as a result of this.
7. For the last 3 weeks my YouTube live streams have been interrupted multiple times during a show as I get

Holden Police Department

Page: 2

WITNESS STATEMENT/EMAIL FROM AIDAN KEARNEY

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Approval ID: JPC

bombarded with phone calls from blocked numbers, and then my Internet goes down. I'm forced to restart the router every time. It came to my attention that they were likely getting access to my computer through my wifi, so I had to call Spectrum this week and have them install a new router, modem, and IP address.

8. I have been getting lots of messages from fake phone numbers telling me that my attempts to delete information and get a new router are futile. They specifically mentioned some conversations I deleted to protect people's privacy, so they're still in my Facebook.

Leigha Genduso, Kate Peter, and Bret Killoran have all posted images of hacked material publicly. Leigha specifically has stated she is going to get revenge, and has been vowing to post hacked pornographic images of me several days prior to doing so. They've said that the Holden Police won't do anything because they spoke to you and you and them joked and laughed about me (I don't believe that). I realize this may be something that cyber crimes would investigate, but I would like to get the ball moving as soon as possible. There are videos of my children in the tub in the hands of a stranger, and thousands of people have been victimized by this.

I filed a report on Friday with Jonathan Santimore.

Thank you

Aidan Kearney
[REDACTED]

EXHIBIT D

COMMONWEALTH OF MASSACHUSETTS

**SUPERIOR COURT
CIVIL ACTION NO. 1879CV00344**

RIAN WATERS,)
 Plaintiff)
vs.)
)
AIDAN KEARNEY,)
)

April 6th, 2022 Affidavit Of Rian Waters

1. I scheduled a deposition for Samantha Cardin for 10:30 am on April 15th 2022.
2. Kearney and I have a criminal hearing for wiretapping and witness intimidation in this case at 2pm on April 13th 2022 (2223AC000803)
3. Exhibit A is screenshots from a video Cristina Yakimowsky provided of Kearney's private Facebook group #BlogDat. The messages in A1-8 were published on 11/19/2021, A9-13 in January 2022.
4. Exhibit B, is screenshots from the same Facebook group #BlogDat, showing Kearney uploaded my motion minutes after the sheriff served him.
5. Exhibit E is a screenshot of the fake profile from my prospective. Exhibit E pg 2 are the fake threats from my prospective. I reported

the profile before I took screenshots, and Facebook deleted it fast.

Facebook deleted my account a week later for no reason.

6. Exhibit F is screenshots from Kearney's #BlogDat group, F1, is an email I sent to Kearney's lawyer, that Kearney uploaded to the group, before admitting his goal was obstruction F3.
7. I have not been eating or sleeping reasonably since Kearney sent the threats on November 19th 2022. I have had numerous health problems over the last few months.
8. On January 15th 2022 Kearney hosted an internet show on Facebook that I have a recording of and while talking about Cristina Yakimowsky Kearney said;
9. "If you are listening to me right now... There might be some shots at me in there, I will survive, but you won't, you're gonna go to jail, you're gonna lose your fiancé over this.... What you're doing right now, you're not thinking, you are being self-destructive... but you don't have to lose your fiancé..."
10. "this person lives in Oxbridge"
11. "Up until January 6th I was talking to this person. But then somebody messaged me on Sunday and they sent me a screenshot

of a blog in the blog there is screenshots of our group chat, not from my perspective though..." [The blog he is referring to featured screenshots of the same messages of the #BlogDat group chat that are in Exhibit A.]

<https://www.massholereport.com/2022/01/09/turtleboy-lies-about-hacking-to-cover-up-his-own-misdeeds/>

12. "I hope she is scared because she should be, cause did you forget who the f*** I am, and what the f*** I could do? Did you hun? Did you? Are you s***** your pants yet, because you should be. What on earth would make you think, because you knew I was going to find out, when the screenshots came out and they're from your perspective..."

13. "You wanted to f*** with me? Did you forget who the f*** I am? Did you? Because I am going to remind you. Did you think [providing evidence] this would kill me, cause it aint"

14. "The other people I that I have gone to war with they have nothing to lose, you have a lot to lose, you own a business... you live in a \$600,000 house in Oxbridge, you have a fiancé who does not know that we talk. He is not going to like to see the messages..."

15. "I am going to still give you a chance to get out of this, you can call me whenever you want, if you don't, February 17th I will be there at your court date."
16. "I am going to bury you [58.17]... February 17th I am going to send you to jail and you're going to get hand cuffed in front of your kids. Don't poke the turtle."
17. I will dedicate the rest of my life to making sure that you don't get away with this."
18. On February 17th 2022, Kearney hosted an internet show and discussed Cristina Yakimowsky's wiretapping case. Kearney said that Yakimowsky expected to settle to a continuance without a finding, but the prosecutor asked for jail time. Kearney said if she was going to leak stuff to "destroy" him, she should have waited until after her case was over, as "everyone knows I am a vindictive cunt."
19. On March 16th, 2019, Aidan Kearney admitted to raping a girl, and said "it's not rape if yell surprise."

20. Aidan Kearney has shamed dozens of girls who alleged they were raped, who in his opinion did not have enough evidence, and he calls them “pumpkin spice mafia.”
21. In October 2021, Aidan Kearney was shaming a woman who was sexually assaulted, and Kearney said any girl that admits to having fantasized about rape is fair game to forcibly have sex whenever a man wants
22. In December 2021, Aidan Kearney got caught sending naked pictures of his children to a stranger he met on the internet. On January 15th Kearney explained his reasoning as described in the memorandum.
23. On the day that Samantha thought she was going to testify she wrote on Facebook that she was excited to testify, but when she got to court, a lawyer confirmed Samantha Cardin had a Fifth Amendment right based on my evidence given to him. Samantha Cardin exercised her Fifth Amendment right and refused to testify for the state.
24. I subpoenaed Samantha Cardin to show up to a Department of Children and Families hearing to testify about the allegations

she made against me, I testified, but she did not show up, and I did not enforce the subpoena.

25. On March 22nd 2022, Kearney hosted a show on YouTube, and after noting that I called the affidavit perjury, Kearney said that when he asked Samantha for the affidavit she said, "yeah he said that, but I am not willing to testify or anything like that."

Subscribed under the pains and penalties of perjury.

/S/ Rian Waters Dated: April 6, 2022
(530)739-8951 Watersrian@gmail.com

A handwritten signature in black ink, appearing to read "Rian Waters", written over a horizontal line.

EXHIBIT E

53 >



53 >



Newest ▾

**Rian Waters**

Is this your house at 111 Mason Rd in Holden? Are these your kids? I bet you like them a lot, they're really cute. Do they like candy? Maybe it's about time they meet their Uncle Rian and I can take them out for some fun and games. Don't worry, I'll return them in one piece, after we have a little fun and I show them what a piece of shit their father is.



1m Like Reply

**Rian Waters**

Aidan, Aidan, Aidan, you never seem to learn. Don't forget, I know where you live, and I know what is most precious to you. If you had to pick one of them to live, which one would it be? Tick tock.

**Rian Waters**

Aidan, Aidan, Aidan, you never seem to learn. Don't forget, I know where you live, and I know what is most precious to you. If you had to pick one of them to live, which one would it be? Tick tock.



7m Like Reply

**Rian Waters**

Better watch what you say about me Aidan. Wouldn't wan anything to happen to your daughter now would we?



Write a comment...



Write a comment...



10:13



Search



Rian Waters updated his cover photo. ...

19m ·



Share



Rian Waters updated his profile picture. ...

24m ·



Screenshot_20211119-221350_Facebook Properties



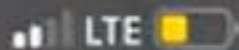
General Security Details Previous Versions

Property	Value
Description	
Title	
Subject	
Rating	☆☆☆☆☆
Tags	
Comments	
Origin	
Authors	
Date taken	11/19/2021 10:13 PM
Program name	Android RP1A.200720.012.S...
Date acquired	
Copyright	
Image	
Image ID	
Dimensions	720 x 1560
Width	720 pixels
Height	1560 pixels
Horizontal resolution	96 dpi
Vertical resolution	96 dpi

[Remove Properties and Personal Information](#)

EXHIBIT F

7:42



Done

Edit

RM

Ryan McLane

To: Aidan Kearney >

12:16 AM

Fwd: Witness intimidation.

Bro it's getting worse

Get [Outlook for iOS](#)

From: Rian Waters <watersrian@gmail.com>

Sent: Friday, November 19, 2021 11:42:38 PM

To: Erica S. Miranda <emiranda@keker.com>;

Laura B. Kirshenbaum <bk@rose-law.net>;

jaronson@kiernantrebach.com

<jaronson@kiernantrebach.com>; Bristol

turtlechick <bristollturtlechick@gmail.com>; Ryan

McLane <ryan@mclanelaw.com>;

mshacham@keker.com <mshacham@keker.com>;

adr@rose-law.net <adr@rose-law.net>; Jason

Mollick <jmollick@wsgr.com>

Subject: Re: Witness intimidation.

I want to know who created this account and sent these threats. I will contact US Marshalls as soon as possible. This is the stuff you guys are protecting. This is why I need an injunction.

On Fri, Nov 19, 2021, 4:15 PM Rian Waters <watersrian@gmail.com> wrote:

More

7:42



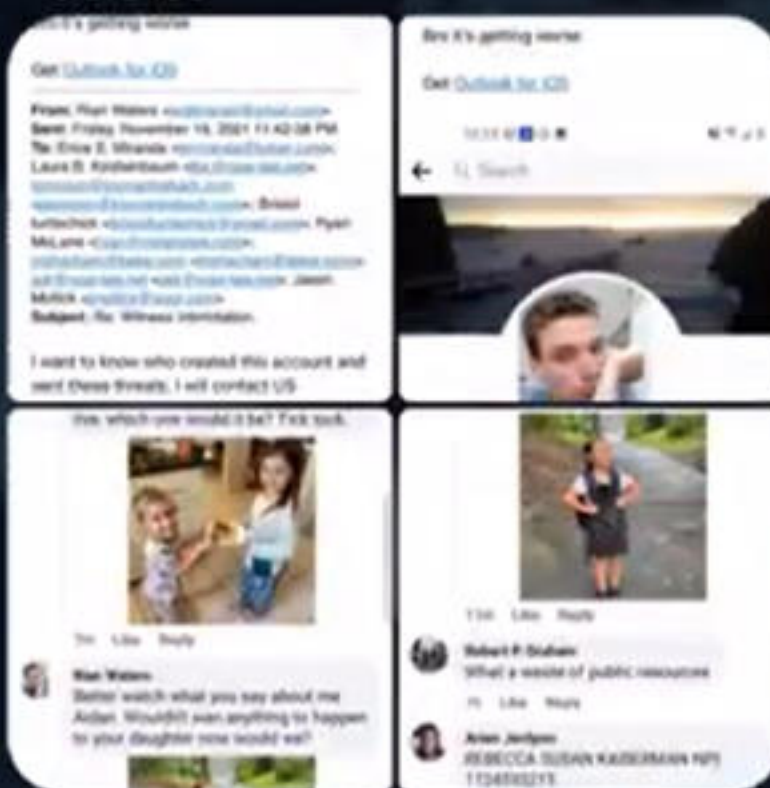
< 4



#BlogDat

NOV 20, 2021, 10:19 AM

Clarence



Seen by everyone

Laura

I don't understand what's going on there.

Is that for real?

Laura

Who's Ryan McLane?

Clarence

My lawyer in the rian casw

Rian emailed him that yesterday

Laura

Rian is threateni your kids? Wtf?

Clarence

You can't message this group
You're no longer in this group and can't send or receive calls or messages unless you are added back to it.

7:43

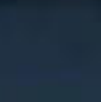
LTE

 4  #BlogDat

Laura

 Rian is threatening your kids? Wtf?

Clarence

 Lol

 Let's put it this way

Laura

 Did i miss something?

 Obviously

Clarence

 I can't stop rian from filing lawsuits and harassing me that way

 But if he started threatening me and my family I could get an order

Laura

 Eeeek

Clarence

 Not sure if it's clicked yet

Laura

 Isn't that risky though?

 He could surely prove it wasn't him

Clarence

 How?


You can't message this group
You're no longer in this group and can't send or receive calls
or messages unless you are added back to it.

7:43

LTE

 4  #BlogDat

 How?

 Comments are gone

Laura

 The profile too?

Clarence

 Yup

 As far as I know he made those comments then thought better of it and deleted the evidence

 That's what it looks like to me

Laura

 He *is* crazy

Clarence


 Would be a shame if these were posted on only fans and I became aware that way

 I'd have to alert the police.
Sounds serious

 If he wants to dance with the devil
we can dance


You can't message this group
You're no longer in this group and can't send or receive calls
or messages unless you are added back to it.

7:43

LTE



#BlogDat



If he wants to dance with the devil
we can dance

Laura

I still can't post on there

Very serious



He has a history of violence

Clarence



Yup. And he's clearly obsessed
with me. He has a disorder. I took
mandarin oranges away from him

Laura

And we all know that a man
needs his mandarin oranges

Has your lawyer said
anything else?



Are those Rian's screenshots?

Laura



You can't message this group
You're no longer in this group and can't send or receive calls
or messages unless you are added back to it.

EXHIBIT G

4/3/22, 1:29 PM

Gmail - Email service



Rian Waters <watersrian@gmail.com>

Email service

2 messages

Rian Waters <watersrian@gmail.com>

Thu, Mar 24, 2022 at 7:14 PM

To: Turtleboy Hottakes <Turtleboysports@gmail.com>

Hello Aidan,

Will you accept email service for 1879CV00344?

Kind regards

Rian

Turtleboy Hottakes <turtleboysports@gmail.com>

Thu, Mar 24, 2022 at 8:06 PM

To: Rian Waters <watersrian@gmail.com>

Shut the fuck up

[Quoted text hidden]

4/3/22, 1:26 PM

Gmail - Samantha Cardin Deposition



Rian Waters <watersrian@gmail.com>

Samantha Cardin Deposition

1 message

Rian Waters <watersrian@gmail.com>

Sat, Mar 26, 2022 at 8:36 AM

To: Turtleboy Hottakes <Turtleboysports@gmail.com>

Hello Aidan,

I am going to schedule a remote deposition for Samantha Cardin in April. Are you willing to confer about the date, format, and handling of exhibits?

Kind regards
Rian



Rian Waters <watersrian@gmail.com>

Depositions

8 messages

Rian Waters <watersrian@gmail.com>
To: Turtleboy Hottakes <Turtleboysports@gmail.com>

Tue, Mar 29, 2022 at 11:59 AM

Hello Aidan,

I am going to schedule depositions for you and Samantha today. After 24 hours it is a \$250 cancelation fee. I will issue subpoenas later in the week. I am thinking April 11th or 12th. If you don't cooperate on picking a time, and you fail to appear, I will respond appropriately.

Kind regards
Rian

Turtleboy Hottakes <turtleboysports@gmail.com>
To: Rian Waters <watersrian@gmail.com>

Wed, Mar 30, 2022 at 1:39 PM

I'm not paying you anything. Those days are bad for me.
[Quoted text hidden]

Rian Waters <watersrian@gmail.com>
To: Turtleboy Hottakes <turtleboysports@gmail.com>

Wed, Mar 30, 2022 at 3:06 PM

So what day is good for you before the 13th?
[Quoted text hidden]

Turtleboy Hottakes <turtleboysports@gmail.com>
To: Rian Waters <watersrian@gmail.com>

Wed, Mar 30, 2022 at 3:16 PM

No days are good before the 13th.
[Quoted text hidden]

Rian Waters <watersrian@gmail.com>
To: Turtleboy Hottakes <turtleboysports@gmail.com>

Wed, Mar 30, 2022 at 5:43 PM

Thank you for the prompt response. When is the next day you will be available to do a remote deposition for an hour?

When can you get your witness to do a remote deposition?

I only have to give you 7 days notice, but I'm trying to be reasonable. If you assent to an injunction protecting witnesses I will be in less of a rush.

Kind regards,
Rian
[Quoted text hidden]

Turtleboy Hottakes <turtleboysports@gmail.com>
To: Rian Waters <watersrian@gmail.com>

Thu, Mar 31, 2022 at 7:36 AM

Deposing me for what? Stop harassing me

Sent from my iPhone

RAA 141

On Mar 30, 2022, at 5:43 PM, Rian Waters <watersrian@gmail.com> wrote:

[Quoted text hidden]

Rian Waters <watersrian@gmail.com>
To: Turtleboy Hottakes <turtleboysports@gmail.com>

Thu, Mar 31, 2022 at 7:57 AM

Good morning Kearney,

Your deposition will impeach you and prove malice.

Best regards

Rian

[Quoted text hidden]

Turtleboy Hottakes <turtleboysports@gmail.com>
To: Rian Waters <watersrian@gmail.com>

Thu, Mar 31, 2022 at 3:02 PM

Shut the fuck up you dog murdering, woman beating trashbag. There's a special place in Hell for you. Stop emailing me.

[Quoted text hidden]

HAMPDEN COUNTY
SUPERIOR COURT
FILED

JUN 27 2022

[Signature]
CLERK OF COURTS

Commonwealth of Massachusetts
Department of the Trial Court

Hampden, SS Superior Court Civil Action # 1879CV00344

Rian Waters - Plaintiff vs. Aidan Kearney - Defendant

Emergency Motion to request Zoom hearing

The Defendant in the above-entitled action and respectfully request this Honorable Court conduct, via Zoom, the hearing on the Plaintiff's motion for sanctions and/or default currently scheduled for June 28, 2022, at 2 PM. As reason therefor, I, the defendant, would have to travel 3 hours roundtrip to attend this hearing. I am having car trouble and can't get the necessary repairs before the 28th. Additionally, my 4 year old son is graduating from pre-school later in the afternoon. I also was never notified of the hearing by the court. The Plaintiff told me via email that he does not object to doing the hearing via Zoom.

Aidan Kearney

[Signature]
413-262-6909

6/24/22

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT
CIVIL ACTION NO. 1879CV00344

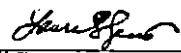
RIAN WATERS,
Plaintiff

vs.

AIDAN KEARNEY,
Defendant

HAMPDEN COUNTY
SUPERIOR COURT
FILED

JUN 27 2022


CLERK OF COURTS

Plaintiffs opposition to Defendants emergency motion to request zoom

I was unopposed to the request for zoom, but the Defendant did not serve me with his emergency motion, or let me know he filed it. Kearney also mislead the court saying he was not notified of the hearing, when he was served by sheriff with a subpoena to testify at the hearing on June 17th 2022.

Respectfully submitted

/S/ Rian Waters
(530)739-8951 Watersrian@gmail.com


Dated: June 27th, 2022

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT
CIVIL ACTION NO. 1879CV00344

RIAN WATERS,
Plaintiff

vs.

AIDAN KEARNEY,

WORCESTER DIGITAL MARKETING, LLC

TURTLEBOY ENTERPRISES, LLC

JOHN DOES 1-10,
Defendants

HAMPDEN COUNTY
SUPERIOR COURT
FILED

JUN 27 2022

James E. Flannery
CLERK OF COURTS

**MOTION FOR TRO, PRELIMINARY INJUNCTION, AND
CONSOLIDATION WITH TRIAL ON MERITS**

Pursuant to Mass. R. Civ. P. 65, I pro se Plaintiff Rian Waters move for the court to order the listed requests for relief. On May 10th 2022 Judge: Flannery, Hon. Francis E, approved a 30 page memorandum for a TRO motion. (docket # 98)

The court should grant an injunction because I will succeed on the merits as the evidence makes it clear that Samantha Cardin tried to frame me, and she is not a credible witness, and I will continue to be irreparably harmed until I can fairly present evidence, and Kearney will not suffer any harm if the injunction issues as his rights to speech may not deny or disparage my Ninth Amendment right to a fair trial.

6/28/22 Denied. See endorsement on pleading # 103
en. 6/28/22 @

Alternatively, the court should grant an injunction using its equitable inherent power to repair the status quo, as the articles and videos were all retaliation and punishment for participation in this court case, and Kearney should no longer be able to receive fruit from his obstructive acts.

Kearney should post a bond or judgment should be paid before Kearney speaks about witnesses or myself because Kearney's has a lengthy and consistent pattern of harassing me and punishing witnesses before court hearings and after court filings, his defamatory allegations have been getting more and more heinous, and he has bragged several times that he will not pay any judgment. (Affidavit at 30)

The TRO should be granted so that Kearney is not able to exploit the adjustment disorder he caused by harassing me and witnesses before the injunction hearing to impair my ability to litigate during the hearing, as he has consistently done.

The court should allow evidence to be presented after a TRO is issued so that I have an opportunity to collect evidence while I can show witnesses that this court does care about witness safety.

I should not have to post a bond, because the injunction should issue for equitable reasons and to protect my constitutional rights, or alternatively because Kearney has promised to harass anyone that hired me which has put me in poverty, and Kearney has no chance of winning.

Consolidation with a trial on the merits should be ordered because this is a 2018 case with a complete record as for liability, and Kearney has insufficient evidence to support his defense. Consolidation would disincentivize Aidan Kearney from harassing or causing damage to any more lives to obstruct the case, and to hopefully make it safe to present evidence of damages.

See also the attached memorandum.

Wherefore, I request the court;

1. Schedule an expedited hearing for a preliminary and permanent injunction, and after hearing issue an injunction requiring Kearney to retract all articles, video's, posts, or other harassing content that was written about me and/or witnesses in this case, from TBDailyNews.com, and TurtleboySports.com, and all associated social media accounts, and for Kearney to refrain from discussing the case on associated accounts until Kearney either prejudgment posts a bond for \$100,000, or post judgment satisfies any judgment in this case.
2. Consolidate the preliminary injunction hearing with the trial on the merits as to liability.

3. Issue a Temporary Restraining Order, 10 days before the hearing for the injunction, enjoining Kearney from mentioning or harassing myself, and any witness or potential witness in this case.
4. Require that all evidence that is to be presented at the injunction hearing be presented at least five days beforehand, unless it is new obstruction.

Respectfully submitted

/S/ Rian Waters
(530)739-8951 Watersrian@gmail.com Dated: June 9th 2022

Certificate Of Service

I, Rian Waters, hereby certify that I will today serve a copy of the **Motion**, memorandum, and exhibits upon Kearney by certified mail to 111 Mason rd. Jefferson MA 01522

/S/ Rian Waters
(530)739-8951 Watersrian@gmail.com Dated: June 9th 2022

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT
CIVIL ACTION NO. 1879CV00344

RIAN WATERS,)
 Plaintiff)
vs.)
AIDAN KEARNEY,)
WORCESTER DIGITAL MARKETING, LLC)
TURTLEBOY ENTERPRISES, LLC)
JOHN DOES 1-10,)
 Defendants)

HAMPDEN COUNTY
SUPERIOR COURT
FILED

JUN 27 2022

James J. Jones
CLERK OF COURTS

MEMORANDUM IN SUPPORT OF MOTION FOR TRO

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Introduction

This court should grant a temporary restraining order 10 days before holding an expedited preliminary injunction hearing, consolidated with a trial on the merits as to liability. This court should grant the motion because 1) I will succeed on the merits, as the evidence makes it clear that Samantha Cardin tried to frame me, and that she is not a credible witness. 2) I will not be able to present more evidence of damages without any protection, and “an eventual trial that reflects witness intimidation... is as bad as [or worse than] not trial at all.” United States v. Acevedo-Ramos, 755 F.2d 203, 206 (1st Cir. 1985)

3) Aidan Kearney has harassed or threatened to harm Michael Gaffney, Amanda Sawyer, Cristina Yakimowsky, Shannon O’Loughlin, Michelle Olsson, my ex-roommate, my therapist, and my ex-cofounder, all because they participated with this court case, or because Kearney was afraid that they might participate in this case. 4) Kearney’s harassment is the identified cause and stressor of my adjustment disorder. Up until recently I was having a hard time reasonably eating or sleeping because Kearney’s November 19th threats, and related

harassment causes preoccupation with the stressors and the consequences. (Affidavit at 1)

Consolidation is appropriate

This court should allow consolidation because; First, this is a 2018 case and the record is complete for liability, and ripe for review. Second, there is no reason for delay, since the evidence reasonably admits of only one outcome. Third, the defendant has been relentlessly attacking every possible witness, and bringing conclusion to the lawsuit will disincentivize anymore attacks, and limit collateral damage. Fourth, consolidation as to liability will hopefully make it safe to present evidence of damages. Fifth, Kearney has been justifying committing crimes and intimidating witnesses with the defamatory allegations.

“The risk that a party will suffer irreparable harm during the time between the hearing on the preliminary injunction and final adjudication on the merits may be minimized by consolidating the trial on the merits with the preliminary hearing, as authorized by Mass. R. Civ. P. 65 (b) (2)” *Packaging Industries Group, Inc. v. Cheney*, 380 Mass. 609, 617 n.10 (Mass. 1980)

Background:**Kearney frequently lies about this case to intimidate witnesses**

On March 22nd, 2022, Aidan Kearney lied to his followers and misled the witness by claiming that I mentioned Cristina Yakimowsky as a witness during the 3/22/22 hearing on whether Kearney's lawyer Kevin Chrisanthopless was able to withdraw from the case. Kearney then said that she was supporting a woman beating dog killer. (Affidavit 3) Kearney keeps saying privately and publicly that anyone that provides me with evidence is supporting a woman beating dog killer. (Exhibit D 15-16)

Kearney admits to the pedophile and murder threats, and brags that this court does not care.

On December 8th 2021, Kearney said the reason why he wasn't worried about getting in trouble for the November 19th 2021 conspiracy was because 90% of court clerk support him. (Affidavit 4) Recently another whistleblower came forward with more evidence that Aidan Kearney admitted to trying to frame me for the rape and murder threats.

(Affidavit at 5) (Exhibit D 5,7) The whistleblower also has evidence of Aidan Kearney bragging that this court doesn't care about his crimes. (Exhibit D 3,4, & 6) And that he justifies his crimes with defamatory allegations. (Exhibit D 1,15,& 16) Kearney extorted this witness just like the last one. (Exhibit D 10-15) And he bragged that he can cause damage with his platform. (Exhibit D 16)

Kearney chose to threaten to molest children because he exploited my history so he could maximize damage.

In January 2020, I told one of Aidan Kearney's now ex-employees about the evidence that I had proving that I was innocent, and I told her about what Samantha Cardin's father said, and probably did to my daughter. On January 25th, 2020, Aidan Kearney twice mocked me about the allegations and bragged on a recorded video that he can molest my daughter. (Affidavit at 7) "Doesn't that feel good Lilah, good thing daddy's not around and I can touch you whenever I want." "ha ha ha, Rian's not around, now I can molest you little girl, let the molesting begin."

Exploiting my past history is not conjecture. On November 7th 2021, two weeks before Kearney sent pedophile threats in my name, and while discussing a lawsuit involving Dave Portnoy, Kearney posted on

his website “people don’t like victims, they like winners. They like people who punch the cancel mob in the face instead of playing defense. What your fans want is for you to sink to your enemy’s level. That’s the Turtleboy philosophy at least. Principles get you nowhere against these people. They want to make you destitute and harm your families¹, and for that they must destroyed. **Nothing is off limits. Find out everything about them. Learn what their vulnerabilities are. Attack that.** Don’t even go after them – go after their employers, friends, and people they love. Those unrelated parties won’t want to deal with it and will begin to pressure them to stop. Ruin their lives as best you can and make them regret the day they ever thought it would be a good idea to poke you.”² At the end of the article Kearney wrote “The problem is that ratioing them on Twitter isn’t really much of a punishment. **You have to direct them** towards Morning Brew or Business Insider’s Facebook and **Google reviews, which should be flooded with**

¹ I end every email with kind regards, and genuinely wish nothing but the best for Kearney and his family, but like most psychopaths, Kearney thinks everyone that participates in a court case is sadistic and only trying to hurt him and his family.

² <https://tbdailynews.com/dave-portnoy-finally-fires-back-at-business-insider-for-hit-piece-smearing-him-as-sex-predator-mom-files-police-report-after-daughter-coerces-sister-into-sleeping-with-him/>

negative reviews accusing them of harboring pedophiles. That's how the game works now. We didn't make the rules, they did.

Dave Portnoy's next step should be:

Finding out the names of Henry Blodgett's closest relatives and putting their contact information out there.

Publishing the names of the women who ran to these lowlives to try to ruin your reputation and business, especially the mother who filed the police report. If he's not vengeful enough to do that I'll do it if someone wants to email me her information to turtleboysports@gmail.com These people are trying to ruin your life. Nothing is off limits." (Affidavit 31)

Kearney has consistently attacked me and everyone that helps me before court dates.

On January 15th, 2022, Kearney extorted Cristina Yakimowsky because she provided me with screenshots of his conspiracy group, and said if she doesn't call him, that he would go to her court hearing and try to send her to jail. On February 17th, 2022, Kearney followed through with his extortion threat against my witness and said presenting

evidence against him is the stupidest thing anyone could do because everyone knows he is uncontrollably vindictive. (Affidavit 8)

On or about October 18th, 2018, I presented an affidavit to this court by a man named Michael Gaffney, (Docket 15.3) detailing Kearney's consistent obstructive tactics. Kearney had an employee create gay porn images of me and Gaffney together, and repeatedly harassed both of us for it before court hearings. (Docket 67.2 at 19) On January 9th, 2019, Hon. Jane, Mulqueen interrupted me from reading death threats, because she found the first one too mild, and she sua sponte argued that the First Amendment protected threats before court dates without need for debate. 1/9/19 Transcript volume 1 pg 11. She also implied that she did not care about any threats unless they were published in Kearney's name. The court refused to grant an injunction allowing me to present evidence because the court thought it could overrule and retire the settled law in Maloof and Lundin. After the court gave Kearney permission to send threats, I got flooded with death threats and harassment impairing me to the point I couldn't do basic obligations. 3/12/2019 Transcript pg 8 On January 22nd, 2019, Kearney threatened to harass my roommate because I used her address for the court case. (Docket 42 Exhibit A pg

5&6) Kearney threatened to kill my daughter³ on February 13th, 2019 (Docket 67.2 at 31) Kearney has admitted the goal of the articles that he published before court hearings was to destroy me. (Docket 67.2 at 13-15) At the summary judgment hearing I explained that the harassment critically impaired my mental health and that Kearney consistently harassed me before every important event. "if I do a deposition, they're going to harass me before..." 3/12/19 Transcript pg 18. The Court asked if that was speculation and I responded, "They've harassed me nonstop every single [court event]." Kearney did not deny or reply. On June 23rd 2019, Kearney discussed this case, and then said if you participate in a court case against him that he will ruin your life, and that he would get sexual pleasure doing so. (Docket 67.2 at 18) On July 11th 2019, Kearney said he would harass anyone that hired me. (Docket 67.2 at 17) On January 25th 2020, five days after this case was docketed in the Appeals court, Kearney showed pictures of me and my house and told his public shaming blog what my address is, and said the world would be better off with me dead. (Docket 67.2 at 33) On 10/21/2020 I renewed my request

³ Because I can prove that Kearney threatened to murder my daughter the last two years in a row, I can circumstantially prove the threat to murder my daughter before a court date on his website three years ago was also him.

for an injunction and listed new and old evidence of obstruction. Docket 67, the court responded to the new and old allegations stating, "[t]he issues raised in this motion have been previously raised, considered, and ruled upon prior to entry of summary judgment for defendant." 12/22/20

On November 12th 2020 Kearney said "this is war, okay? When general Sherman, when the South would not ***** surrender to the north during the civil war, we didn't say well we're just gonna keep killing soldiers no, general Sherman marched to ***** Atlanta and he lit everything on fire, ***** **everything, men women, children, dogs, everything ***** burns until you surrender** that's how it ***** works if you want to declare war, then people ***** die in war including civilians. When we bombed Hiroshima and Nagasaki we knew that a bunch of ***** kids and women are going to die in that. Too ***** bad, then ***** surrender ***** surrender and then they ***** surrender didn't they? That's what you got to do unfortunately this collateral damage so **I want to make sure the messages sent here if you **** with me if you try to sue me I'm not gonna go after you I'm gonna go after your ***** family don't **** with me that's all I am saying I'm not ***** playing with these people I paid 30,000 *******

dollars in legal fees last year this **** is not ***** cute anymore and I'm not ***** playing defensive and hiding anymore I'm going to burn your family to the ground just understand that.” (Affidavit 10)

My health is crumbling because of Kearney's threats

I told the court in 2019 that the threats and harassment put me in a coma like state and prevented me from presenting evidence. Kearney has consistently exploited my mental health that he is the identified cause and stressor of, (Affidavit at 1) by threatening me before hearings and after court filings. I have not been able to reasonably eat or sleep since Kearney tried to frame me for the rape and death threats. I am too stressed and focused on these crimes to address my terrifying health problems.

Legal Standard

“Before or after the commencement of the hearing of an application for a preliminary injunction, the court may order the trial of the action on the merits to be advanced and consolidated with the hearing of the application.” Mass. R. Civ. P. 65(b)(2) The legal standard for the issuance of a preliminary injunction was stated in Packaging Industries Group,

Inc. v. Cheney, 380 Mass. 609 (1980). As the Supreme Judicial Court explained, the moving party must demonstrate a substantial likelihood of success on the merits of the underlying complaint, that failure to issue the injunction subjects the moving party to a substantial risk of irreparable harm in the absence of injunctive relief, and that the threatened injury to the moving party outweighs the damage an injunction may cause to opposing party. “Only where the balance between these risks cuts in favor of the moving party may a preliminary injunction properly issue.” *Id.* at 617

Consolidation can be done pursuant to the same standard as summary judgment when the nonmoving party has adequate notice and insufficient evidence. “When a party not having the burden of proof at trial demonstrates that the party having that burden has insufficient evidence to sustain it, the moving party is entitled to summary judgment.” *King v. Globe Newspaper Co., 400 Mass. 705, 706 (1987)* When a motion for summary judgment is made and properly supported, the non-moving party may not simply rest on pleadings, “but his response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial.”

Correllas v. Viveiros, 410 Mass. 314, 317 (Mass. 1991) see Mass. R. Civ. P. 56 (e) “A newspaper article that charges a party with a criminal offence is libelous on its face.” Lundin v. Post Pub. Co., 217 Mass. 213, 215 (1914)

Aidan Kearney has no chance of winning.

I did not kill a dog

Samantha never alleged that she seen me hurt a dog. (Transcript pg 16 at 14) Back in 2017, Samantha Cardin claimed that we argued as soon as we woke up and that right after I left the house our dog was army crawling towards her. (Affidavit at 11) During the deposition Samantha said that right after I left the house our dog was laying on the ground unable to walk. (Transcript pg 16 at 23-25) Either way it does not make sense when you look at the timeline of events that day. I left at around 9:30 AM, (Exhibit A 01⁴) (Affidavit at 12) and Samantha did not say anything was wrong with our dog until the afternoon. (Exhibit A 05⁵) (Affidavit at 12) To believe Samantha Cardin’s story, you’d have to believe that Samantha let our dog suffer for three and a half hours while

⁴ Samantha did not remember having this phone number, but she did believe that they were messages sent between us. (Transcript pg 20 at 10-23) The messages were submitted as exculpatory evidence for the dismissed criminal case over the incident, I had given her the phone for Christmas.

⁵ she did remember having this phone, and believed these messages were between us. (transcript pg 35 at 14-25)

she was too busy telling me she believed I was the “nicest guy in the world.” (Exhibit A 04)

Samantha Cardin told a private investigator that there was no metal cabinet in that kitchen, (Affidavit at 13) and according to the DCF report, Samantha claimed in 2017 that there was no cabinets that could have fallen. (Affidavit at 14) During the deposition Samantha Cardin admitted that there was a metal cabinet in the kitchen. (Transcript 17 at 5 - pg 18 at 3) In our transcribed jail phone calls from January 2017, Samantha and I discussed a metal cabinet that had just fallen with broken glass, which I believed and still believe must have been what injured our dog. (Affidavit at 15)

On the day that Samantha Cardin thought she was going to testify about the criminal allegations for the District Attorney, she wrote on Facebook that she was excited to testify, (Affidavit at 16) but when she got to court, a lawyer confirmed Samantha Cardin had a Fifth Amendment right based on my evidence given to him. I testified to my version of events, Samantha Cardin exercised her Fifth Amendment right and refused to testify for the state. During the April 15th deposition I asked Samantha if she would waive her privileges (Transcript pg 18 at

7) and tell us what the lawyer showed her that made her want to plead the fifth. Samantha said she did not remember, but said it was because she was scared. (Transcript pg 18 at 19-25) Samantha then admitted that she was extremely excited to testify a few hours before pleading the Fifth. (Transcript pg 19 at 4-10)

I believe Samantha plead the Fifth because she was shown the attached Exhibit A, and our transcribed jail phone calls. Kearney confirmed after the deposition that she told him she plead the Fifth because I was trying to frame her for drug dealing⁶. (Affidavit 17) Notably, if Samantha told Kearney the truth, he would have done something to her, like he did to me on November 19th, 2021.

Exhibit A 02 corroborates that my concern with breaking up with Samantha on 12/31/2016, was with Samantha Cardin's father watching our daughter. As Samantha said, "if you're around I will never need to leave her with anyone. You would be the one with her." Also, I noted that there was no reason for her to be scared of me, and she responded, "I'm not scared of you, I don't want to fight anymore." (Exhibit A 02) I

⁶ The ADA seen everything that her 5th amendment attorney seen.

responded, “me either, I was begging you to stop.” I was begging her to calm down and let me leave, but she refused and blocked me from leaving.

I asked Samantha Cardin during our now transcribed jail phone calls, if she thought I was guilty of anything. She did not mention anything about our dog, and she admitted that she was blocking me from leaving. (Affidavit at 29) Which did not align with what she told DCF and the district attorney's office.

I never bought or sold drugs in California

I never bought or sold drugs in California. (Affidavit 1) Samantha’s deposition did not reveal any facts or firsthand knowledge of drug dealing. “An imputation of crime is defamatory per se.” *Waters v. Kearney*, No. 20-P-88, 10 (Mass. App. Ct. Aug. 19, 2021) quoting *Jones v. Taibbi*, 400 Mass. 786, 792 (1987) “Neither vague allegations and conclusory statements, nor assertions of inferences not based on underlying facts will suffice.” *First National Bank of Boston v. Slade*, 379 Mass. 243, 246 (Mass. 1979) “Statements of belief carry no weight in an affidavit in support of summary judgment.” *Hartford Accident, v. Millis Roofing*, 11 Mass. App. Ct. 998, 999 (Mass. App. Ct. 1981) “An accusation purporting to rest on hearsay is none the less defamatory.” *Maloof v. Post*

Pub. Co., 306 Mass. 279, 279 (1940) “The burden of proof was on the defendants to maintain that defense by showing the substantial truth of the charge in all material respects.” *Id* at 280 “[T]he reasons for allowing fair reports of the proceedings of courts of justice have no application whatsoever to the contents of a preliminary written statement of a claim or charge. These do not constitute a proceeding in open court. Knowledge of them throws no light upon the administration of justice. Both form and contents depend wholly on the will of a private individual...” Lundin v. Post Pub. Co., 217 Mass. 213, 216 (1914) Even if Samantha had fabricated a detailed story, I would argue that she got the details elsewhere. (Transcript pg 9 at 16) “It is elementary law that a defendant cannot free himself from responsibility for spreading defamation by stating that the charges were made by another, and not by the defendant.” Sanford v. Boston Herald-Traveler Corp., 318 Mass. 156, 158 (1945)

On December 2nd, 2021, Defendant Kearney presented an affidavit by Samantha Cardin alleging in a conclusory fashion that I was a drug dealer in California. This allegation was only fabricated to make an excuse for why she plead the Fifth. The affidavit has no address for

Samantha, and did not state what first-hand knowledge she had, or what drugs I supposedly sold. I deposed Samantha Cardin on April 15th 2022, and asked her if she had been arrested for selling drugs, (Transcript pg 23 at 7-25)

Samantha: No, I have never been arrested.

Me: Was I ever arrested for selling drugs in California?

Samantha: no not that I'm aware of, unless you got arrested after we broke up.

Me: did you ever hear about a police officer investigation into drug dealing in California?

Samantha: no, I don't believe so.

Me: are you currently, do you consider yourself a drug user?

Samantha: no absolutely not. (Notably she wore a cannabis brand T-shirt and hat to the deposition.) Select from CuraLeaf

Me: Were you using drugs when we lived in California?

Samantha: cannabis yes absolutely.

Me: Was I using drugs when we lived in California?

Samantha: cannabis yes absolutely

Samantha Cardin has a strong bias

Samantha admitted that she has commented on several of Kearney's articles harassing me and witnesses, (Transcript pg 22 at 9) and she implied during the deposition that if I dropped the lawsuit that the harassment would stop. (Transcript pg 22 at 14) Samantha Cardin said she'd do anything in her power to stop me from knowing about our child, including opening up a DCF case on herself. (Transcript pg 34) Notably DCF filled their reports with lies that made Samantha look good and hid the fact that Samantha's father most likely molested my daughter. On the day that Samantha Cardin tried to frame me, she said she was doing it because I believed her father molested our nonverbal child. (Affidavit 18) Exhibit A 02 corroborates that my concern with breaking up with her was that I believed her father had been inappropriate with our daughter.

I am guessing that the reason why Samantha does not want to talk about our daughter is because our daughter must be having seizures, and she is worried I will fight for custody. The only reason why my daughter would have seizures, is because Samantha was not doing a good job parenting, (my daughter was seizure free when she was living with me

Affidavit at 19) or because Samantha couldn't afford to be a good parent because this court and Aidan Kearney have forced them to live in poverty. She need not worry, I am no longer healthy enough to seek custody.

Samantha has no credibility

Samantha Cardin told DCF that we were homeless in California. (Affidavit at 20) During the deposition Samantha admitted we lived in a big, beautiful house in California. (Transcript pg 9 at 1- 11) We lived in a >4,000 sq ft mansion with a private casino, (Affidavit at 21) which highlights the absurdity of her lies.

Samantha Cardin told DCF that I would not let her work. (Affidavit 22) During the deposition Samantha admitted she would work for a couple days at a time away from the home. (Transcript pg 9 at 12 – 21) Samantha's average pay trimming cannabis was over \$400 a day, which is something I appreciated. (Affidavit at 23) I can prove that I allowed Samantha to make her own choices about when she worked, and I can prove that she did work away from the house for weeks at a time. (Exhibit B)

Samantha Cardin said I was the nicest guy in the world on the same day that she tried framing me. (Exhibit A 04) If this does go to trial, I will prove that Samantha Cardin used more drugs than just cannabis, and that I did not approve of it. (Affidavit at 24)

On the subpoena that was served on Samantha it said she was required to bring all emails between Aidan Kearney and herself. (Exhibit C) Samantha did not bring any emails because she said she was unable to read my handwriting. (Transcript Pg 14 at 15-21) Samantha will lose credibility when the jury sees the legibility of the subpoena.

Samantha Cardin did not want to sign an affidavit in this case in January 2019, but she was pressured to do so by Kearney. (Docket 67.2 at 29) Aidan Kearney reminded Samantha during the deposition how intense he is when someone does something he doesn't like in court. I expect Samantha Cardin to either plead the 5th or tell the truth after Aidan Kearney goes to jail, or this court takes witness safety seriously. Aidan Kearney's conduct during the deposition was clearly obstruction. See *Lamex Foods, Inc. v. Audeliz Lebrón Corp.*, 646 F.3d 100, 112 (1st Cir. 2011)

Selling extraction equipment is not selling drugs.

In 2014 I designed and sought a provisional patent on the first hydrocarbon extraction machine to separate grades allowing the extractor to get the best quality extract, and the biggest yield at the same time. But developing and selling extraction equipment does not make me a drug dealer, just as manufacturing guns for the armory did not make Eli Whitney a murderer.

Defamation in Kearney's book was published with malice

“The defendant in an action for writing or for publishing a libel may introduce in evidence the truth of the matter contained in the publication charged as libellous; and the truth shall be a justification unless actual malice is proved.” GL. CH 231 Section 92. “Massachusetts case law maintains that a publisher may abuse, and lose, a conditional privilege in a number of ways, including if the plaintiff offers proof that the defendant (1) **acted out of malice**, (2) knew the information was false, (3) had no reason to believe the information to be true, (4) **acted in reckless disregard of the truth or the defendant's rights**, or (5) published the information unnecessarily, **unreasonably**, or **excessively**. Whatever the manner of abuse, recklessness, at least, should be required to overcome the privilege. Negligence is not enough to

cause the loss of the privilege. Recklessness is a difficult standard to meet. Reckless conduct is not measured by whether a reasonably prudent man would have published or would have investigated before publishing. Rather, the defendant's conduct is measured by what the defendant had reason to believe. There must be sufficient evidence to permit the conclusion that the defendant in fact entertained serious doubts as to the truth of his publication.” Downey v. Chutehall Constr. Co., Ltd., 86 Mass. App. Ct. 660, 661 (2014) Aidan Kearney was aware that no media outlets found Samantha’s allegations credible, (Affidavit at 25) and he was skeptical in the original article. “The judge, who clearly reviewed the entire blog, wrote that the blog article contained the following additional language: ‘She's saying he head butted her. She's also accusing him of killing their dog. Not good if true. But there's two sides to every story’; ‘You have to be careful with these domestic abuse stories. Your initial instinct is often to believe the battered woman. I know it was Turtleboy's. But at the same time, we don't know these people. And some chicks are capable of anything’; ‘Nothing about this story makes much sense...’” Waters v. Kearney, No. 20-P-88, 7-8 (Mass. App. Ct. Aug. 19, 2021) Kearney consistently published defamatory criminal allegations before

court hearings in reckless disregard for my right to a fair trial. Kearney said he was going to murder me with words around the exact same time he published the defamation in his book, "I am Turtleboy." (Affidavit at 26) Kearney hates me so much he used his kids as pawns. "Under exceptional circumstances a trial court may consider a claim not raised in the pleadings, but such instances almost always involve contracts that violate fundamental public policy [like trying to frame a Plaintiff with pedophile threats]." *Messina v. Scheft*, 20 Mass. App. Ct. 945, 945 (1985)

Kearney should be defaulted

Aidan Kearney tried to frame me for pedophile and murder threats to obstruct this case, and he did not oppose a motion for a Default based on those allegations. Besides, "anything less than a default judgment would have the same result on the plaintiff." *Keene v. Brigham Hospital*, 439 Mass. 223, 237 (Mass. 2003)

Summary judgment should be awarded as to liability regardless of the current evidence of damages.

"In a case of defamation the plaintiffs recovery is limited to actual damages, which are compensatory for the wrong done by the defendant."

Stone v. Essex County Newspapers, Inc., 365 Mass. 246, 256 (Mass. 1974) "Actual injury includes not only out-of-pocket expenses, but also harm inflicted by impairment of reputation and standing in the community, personal humiliation, *and mental anguish and suffering*." Draghetti v. Chmielewski, 416 Mass. 808, 815-16 (Mass. 1994) In this case I have a diagnosis for adjustment disorder, which Kearny's harassment is the identified cause and stressor of. (Docket 47.1)

I either need an injunction, or I need Kearney to go to jail before I can present more evidence of damages. Kearney has both shown and said that he is unable to control himself when people participate in court cases against him. Even so, summary judgment should still be awarded in my favor as to liability without deciding damages because, "defamatory statements that are accusations of crime are actionable without proof of special damage." Galvin v. New York, N. H. & H. R. Co., 341 Mass. 293, 293 (1960) "Damages for libel or slander per se included harm caused thereby to the reputation of the person defamed or in the absence of proof of such harm, for the harm which normally results from such a defamation. At the heart of the libel-and-slander- per-se damage scheme lay the award of general damages for loss of reputation. They were

granted without special proof because the judgment of history was that the content of the publication itself was so likely to cause injury and because "in many cases the effect of defamatory statements is so subtle and indirect that it is impossible directly to trace the effects thereof in loss to the person defamed." *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 372-73 (1974)

I did write an exact quote.

In the edition I have it is an exact quote, (Exhibit E) (Affidavit at 27) regardless "an insinuation may be as actionable as a direct statement. In libel it is enough, whatever the form, that the manifest tendency of the words is seriously to hurt the plaintiff's reputation." *Thayer v. Worcester Post Co.*, 284 Mass. 160, 161 (1933) "The motion judge concluded that the statements were not actionable based on the use of cautionary terms and language, i.e., 'according to' and 'allegedly.' However, 'an imputation of crime is defamatory per se.' This is so even when 'the charge was qualified by the words it is alleged or their equivalent,' or a mere 'truthful preface was added that someone else has so stated.'" *Waters v. Kearney*, 100 Mass. App. Ct. 1105, (Mass. App. Ct. 2021) citations omitted.

I will be irreparably harmed without an injunction.

Samantha's testimony was influenced, and her deposition got interrupted by Kearney's ruthless behavior. I can't safely present any testimony from my therapist or doctors without an injunction or some other protection.

I am currently unable to have a driver's license because Kearney harassed every person that let me use their address for this court case, showing pictures of their house and saying the world would be better off with me dead. Aidan Kearney frequently directs people on Facebook to access the registry of motor vehicles database and search people's information for him. (Affidavit 28)

I have a Constitutional right to safety in the court

"It is essential to the preservation of the rights of every individual, his *life, liberty*, property, and *character*, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit." Mass. Const. Pt. 1, art. XXIX

“Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty and property, according to standing laws.” Mass. Const. Pt. 1, art. X

“Every subject of the commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. *He ought to obtain right and justice freely*, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay; *conformably to the laws*.” Mass. Const. Pt. 1, art. XI

“From these provisions, it necessarily follows that courts of general jurisdiction have the inherent power to do whatever may be done under the general principles of jurisprudence to insure to the citizen a fair trial, whenever his *life, liberty, property or character* is at stake.” O'Coin's, Inc. v. Treasurer of the County of Worcester, 362 Mass. 507, 509-10 (Mass. 1972)

I also have a Ninth Amendment and or Fourteenth Amendment right to protection in the courts. The Massachusetts Constitution says that this specific right was already included in the Massachusetts Constitution, even though it had not yet been specifically mentioned. “No

proposition inconsistent with any one of the following rights of the individual, as at present declared in the declaration of rights, shall be the subject of an initiative or referendum petition... the right of access to *and protection in courts of justice...*” Massachusetts Constitution 48, Init., Pt. 2, § 2 Because this right was included by implication in the Mass. Constitution, I argue it was one of the obvious rights that “were retained by the people” that are protected by the Ninth Amendment. “The administration of justice by an impartial judiciary has been basic to our conception of freedom ever since Magna Carta. It is the concern not merely of the immediate litigants. Its assurance is everyone's concern, and it is protected by the liberty guaranteed by the Fourteenth Amendment. That is why this Court has outlawed mob domination of a courtroom, mental coercion of a [Plaintiff and his witnesses]” Bridges v. California, 314 U.S. 252, 282 (1941) citations omitted.

“The purpose for which courts are established is to do justice. A fundamental principle of free institutions was stated by Hamilton in these words: ‘Justice is the end of government. It is the end of civil society. It ever has been, and ever will be pursued, until it be obtained or until liberty be lost in the pursuit. In a society, under the forms of which

the stronger faction can readily unite and oppress the weaker, anarchy may as truly be said to reign, as in a state of nature where the weaker individual is not secured against the violence of the stronger.” (The Federalist, ed. 1864, No. 51, p. 401.) Crocker v. Justices of the Superior Court, 208 Mass. 162, 179-80 (Mass. 1911)

Aidan Kearney will not be harmed by an injunction.

Kearney has no interest in the injunction as my Ninth Amendment right to a fair trial and protection in the court nullifies Kearney’s right to free speech. “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.”
Ninth Amendment

Additionally, Kearney fraudulently cancelled his businesses that legally should still own the “weaponized public shaming” accounts. (Docket 74) Kearney has stated that my articles do not make him any money.

Conclusion

This court should schedule a hearing for a preliminary injunction consolidated with the trial on the merits as to liability, and this court

should grant a temporary restraining order 10 days before the hearing for witness safety, and so that the merits of the preliminary injunction motion and trial can be properly addressed.

Respectfully submitted

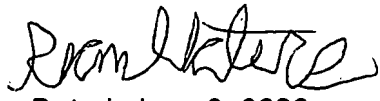
/S/ Rian Waters 
(530)739-8951 Watersrian@gmail.com Dated: June 9, 2022

EXHIBIT E

se of the blogs was. This man is a lawyer and doesn't know how the First Amendment works. As if anyone needs a lawyer to write a blog about another person, never mind a public figure. Once again, this was Gaffney trying to use his status as an attorney to silence the press because it was critical of him. It was straight out of the John Adams playbook, and just like the First Amendment Act was rejected, so too was Mike Gaffney.

part about the deposition was when he asked me why a blog by Shell Shocker said, "HAHAHAHHAAAAH what a loser." I told him it probably said that because the blogger was using the First Amendment rights to express their opinion that Michael Gaffney is a loser. He asked why the blog was published, and I told him that I publish blogs for a living and didn't need a reason why. He wanted me to press so I asked him if he did in fact lose, to which he answered affirmatively.

ie, that's what losers do. They lose."

At that point Margaret made a series of objections because I was hassling me with irrelevant non-questions. Gaffney responded to her objections so we walked to the courthouse to get a ruling on it. When Judge Lemire didn't rule on the objection the deposition was postponed and continued weeks later with more of the same nonsense. The second time around it appeared as if he had come out on Prozac, because he was much calmer. We spent 4-5 hours in long conversations he had with Clarence, asking me if I was getting the same answer every time.

Weeks after the deposition Judge Lemire finally dismissed the case outright. In his ruling he cited free speech rights and the fact that he discovered Gaffney had written blogs in the past, something never mentioned in his complaint. Turns out Gaffney was a loser. Most importantly Gaffney never responded to our

result of Turtleboy blogs, because he wasn't.

I knew this wouldn't be the last time hearing from him though. Michael Gaffney has no life, and I had no doubt he was plotting revenge. The way he would likely do that is by helping people file lawsuits against me who have appeared in previous blogs. One of these people is Rian Waters. In January 2017 Rian appeared in a blog written by one of the girls, after his baby's mother alleged domestic abuse by posting a picture of herself with a black eye on Facebook. She also alleged that Rian Waters had killed their dog. The blogger never said that he did it, and simply satirized the story as an example of trashy people airing their trash publicly.

There was much more to it though, which I didn't find out until after he sued me. According to the woman he assaulted, **Rian Waters sold drugs in California** and hardly ever saw his daughter or baby momma in Palmer. However, on a visit to see them **he allegedly shipped himself drugs via the USPS, which he intended to sell here**. One day he got into an argument with his baby's mother and allegedly assaulted her, causing the black eye. He then went into the house and killed the dog in front of his special needs daughter by stomping it in the back.

Everything she had posted on Facebook was true, and she had finally gotten the courage to speak out against her abuser. I know this as a fact because Rian had a trial and it all came out. In court a veterinarian testified that the autopsy on the dog indicated that he killed the poor thing. He avoided a guilty verdict because he intimidated his baby's mother from testifying against him. By making it clear to her that his lawyer would bring up the fact that he had sold drugs in her house, with her child present, he convinced her that she would lose custody of her daughter if she testified. Scared and with limited resources she decided not to testify against him. As a result the case was dismissed, but it was not a not guilty verdict.

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT
CIVIL ACTION NO. 1879CV00344

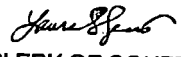
RIAN WATERS,
Plaintiff

vs.

AIDAN KEARNEY,
DEFENDANT

HAMPDEN COUNTY
SUPERIOR COURT
FILED

JUN 27 2022


CLERK OF COURTS

Affidavit of Rian Waters

- 1) I never bought or sold drugs in California.
- 2) Kearney's harassment is the identified cause and stressor of my adjustment disorder. I have been having a hard reasonably eating and sleeping because this court's decisions cause preoccupation with the stressors and the consequences.
- 3) On March 22nd 2022 Aidan Kearney lied to his followers and claimed that I mentioned Christina Yakimaski as a witness during the 3/22/22 hearing, Kearney then said that she was supporting a woman beating dog killer.
- 4) On or around December 8th 2021, Kearney bragged that 90% of court clerks and 99% of police support him. (I have a video recording.)
- 5) Exhibit D are screenshots between Shanon and Kearney
- 6) In January 2020, I told one of Aidan Kearney's now ex-employees about the evidence that I had proving that I was innocent, and I told her about what Samantha Cardin's father said, and probably did to my daughter.

- 7) I have two video clips from January 25th 2020, with Aidan Kearney twice bragging that he can molest my daughter. "Doesn't that feel good Lilah, good thing daddy's not around, and I can touch you whenever I want." "ha ha ha, Rian's not around, now I can molest you little girl, let the molesting begin."
- 8) On January 15th, 2022, Kearney extorted the woman that provided the screenshots of his conspiracy group,
- 9) On February 17th, after following through with his extortion threat against Cristina Yakimowsky, Kearney said presenting evidence against him is the stupidest thing anyone could do because everyone knows he is uncontrollably vindictive.
- 10) On November 12th 2020 Kearney said "this is war, okay? When general Sherman, when the South would not ***** surrender to the north during the civil war, we didn't say well we're just gonna keep killing soldiers no, general Sherman marched to ***** Atlanta and he lit everything on fire, ***** everything, men women, children, dogs, everything ***** burns until you surrender that's how it ***** works if you want to declare war, then people ***** die in war including civilians. When we bombed Hiroshima and Nagasaki we knew that a bunch of ***** kids and women are going to die in that. Too ***** bad, then ***** surrender ***** surrender and then they ***** surrender didn't they? That's what you got to do unfortunately this collateral damage so I want to make sure the messages sent here if you **** with me if you try to sue me I'm not gonna go after you I'm gonna go after your ***** family don't **** with me that's all I am saying I'm not ***** playing with

these people I paid 30,000 ***** dollars in legal fees last year this ***** is not ***** cute anymore and I'm not ***** playing defensive and hiding anymore I'm going to burn your family to the ground just understand that."

- 11) In 2017, Samantha Cardin told DCF that we argued as soon as we woke up and that right after I left the house our dog was army crawling towards her.
- 12) In 2017 I presented the following for a timeline from the New Years Eve that I was accused of animal cruelty and domestic violence. Samantha plead the Fifth.
 - a) ~9:00am we wake up, Sam starts her mania.
 - b) 9:30 I leave with "her car" and both keys.
 - c) ~10:05 I return to the house and walked in the kitchen to grab my backpack. Samantha was cooking my daughter sausage when I showed up, and she was feeding her when I left.
 - d) ~ 10:10 I leave and drive to east long meadow
 - e) 12:50 pm Sam calls and says Luna can't walk and needs to go to vet. I say I'll be right there.
 - f) ~1:05 I show up and carry Luna to the car and hand a key to Sam's dad. Sam leaves with her dad to bring Luna to the vet, I stay and take care of Lilah.
 - g) ~ 1:55 Luna was weighed 78lbs, and upstairs neighbor knocked (who owned a vehicle, and was home all morning.)
 - h) ~ 4:10 Sam and her father return. Sam says I can stay until my flight Tuesday, but then says that the landlord Rob won't allow it.

Rob shows up and trips trying to punch me because the fallen cabinet limited his leg room.

- i) ~4:20 Sam's dad hands me the second key and I drive to my friend Erick's.
 - j) 4:53 police arrive to arrest me and I first learn that I'm accused of animal cruelty
- 13) In 2017 Samantha Cardin told a private investigator that there was no metal cabinet in that kitchen.
- 14) according to the DCF report, Samantha claimed there was no cabinets that could have fallen.
- 15) In our transcribed jail phone calls from January 2017, Samantha and I discussed a metal cabinet that had just fallen with broken glass, which I believed and still believe must have been what injured our dog.
- 16) On the day that Samantha Cardin thought she was going to testify about the criminal allegations for the District Attorney, she wrote on Facebook that she was excited to testify. When she got to court, a lawyer confirmed Samantha Cardin had a Fifth Amendment right based on my evidence given to him. I testified to my version of events, Samantha Cardin exercised her Fifth Amendment right and refused to testify for the state.
- 17) On or around April 17th 2022, Kearney said that when my criminal case ended Samantha told him she plead the Fifth because I was trying to frame her for drug dealing, which is obviously false because the ADA seen everything her 5th Amendment attorney seen.

- 18) On the day that Samantha Cardin tried to frame me, she said she was doing it because I believed her father molested our nonverbal child.
- 19) My daughter was finally seizure free after a long battle when she was living with me.
- 20) Samantha Cardin told DCF that we were homeless in California
- 21) in California me and Samantha Cardin lived in a >4,000 sq ft mansion with a private casino.
- 22) According to DCF reports Samantha Cardin told DCF that I would not let her work.
- 23) Samantha's average pay trimming cannabis was over \$400 a day.
- 24) I have text messages from me and Samantha Cardin, where I told her I did not approve of her doing cocaine, and she responded by saying she would kill herself. Which was a typical response because of her bipolar disorder.
- 25) Aidan Kearney has publicly directed his followers with no success to get the media to write about Samantha cardin's allegations.
- 26) Kearney said he was going to murder me with words around the exact same time he published the defamation in his book, "I am Turtleboy."
- 27) The defamatory statements in the second amended complaint are exact quotes from Aidan Kearney's first edition "I am Turtleboy"
- 28) Aidan Kearney frequently directs people on Facebook to access the registry of motor vehicles database and search people's information for him

- 29) In transcribed jail phone calls, I asked Samantha if she thought I was guilty of anything. She did not mention anything about our dog, and she admitted that she was blocking me from leaving. Which did not align with what she told DCF and the district attorney's office.
- 30) As detailed in previous affidavits, Kearney has bragged several times that he has intentionally hid his assets so that he will not have to pay any judgment.
- 31) On November 7th 2021 Aidan Kearney published an article on TBdailynews.com using a pen name that he is widely known by "uncle Turtleboy" and in the article he wrote the statements as quoted in the memorandum.

Signed under the pains and penalties of perjury 6/9/2022

/s/ Rian Waters WatersRian@gmail.com (530) 739 8951

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss.

SUPERIOR COURT 18-344

*SUBPOENA - SUBPOENA DUCES TECUM

HAMPDEN COUNTY
SUPERIOR COURT
FILED

TO Aidan Kearney

JUN 27 2022

111 Mason Rd,
Jefferson, MA.
01522

Laura S. Gentile
CLERK OF COURTS

GREETING,

YOU HEREBY ARE COMMANDED, in the name of the Commonwealth of Massachusetts, to attend and give testimony, before the Superior Court holden at Springfield within and for the county of Hampden on the 28th day of June, 2022 at 2:00 o'clock in the PM ~~noon~~, and from day to day thereafter, until the action hereinafter named is heard by said Court, relating to Civil Action No. 1879 CV 344 then and there to be heard and tried between Rian Waters Plaintiff, and Aidan Kearney Defendant ~~and you are further required to bring with you~~

Motion hearing for sanctions, and or Default.

HEREOF FAIL NOT, as failure by any person without adequate excuse to obey a subpoena served upon him may be deemed a contempt of the court in which the action is pending.

DATED AT _____ the 9th day
of June 2022 A.D. _____.

*Strike out inapplicable words

Laura S. Gentile
Laura S. Gentile, Esquire
CLERK OF COURTS



Worcester County Sheriff's Office P.O. Box 1066 Worcester, MA 01613
(508) 752-1100

6/17/2022

I hereby certify and return that after attempting personal service on 6/17/2022 at 10:36 AM I served a true and attested copy of the WITNESS SUBPOENA in this action in the following manner to wit: by leaving at the last and usual place of abode of AIDAN KEARNEY at 111 MASON ROAD JEFFERSON, MA 01522 . Served along with witness fee in the amount of \$ \$7.00. Service Fee (\$20.00) Attest (\$5.00) Postage (\$3.00) Mileage (\$22.70) Conveyance (\$3.00) Witness Fee (\$7.00) Total: \$60.70

Gregory Carr

Gregory Carr
Deputy Sheriff

2022 JUN 27 P 2:00

CLERKS OFFICE
SUPERIOR COURT
HAMPSHIRE COUNTY

SUPERIOR COURT
CIVIL ACTION NO. 1879CV00344

vs.

AIDAN KEARNEY,
Defendant

06/28/2022

This court should grant the motion, because the newest threats are exceptionally explicit promising to “destroy” her, and to take away everything she ever loved, and this court has a duty to make sure that Kearney does not “destroy” a witness before trial. The First Amendment's right to litigation, the Ninth Amendment's reservation of unenumerated rights to the people, and the Fourteenth Amendment's rights to due process and equal protection imply a concomitant right to protection in the courts.

“[A] provision of the Bill of Rights which is ‘fundamental and essential to a fair trial’ is made obligatory upon the States by the Fourteenth Amendment.” *Gideon v. Wainwright*, 372 U.S. 335, 342 (1963) “[S]tate courts have the solemn responsibility equally with the federal courts to safeguard constitutional rights.” *Burt v. Titlow*, 571 U.S. 12, 19, 134 S. Ct. 10, 15, 187 L. Ed. 2d 348 (2013) “Every judge must exercise his inherent powers as necessary to secure the full and effective administration of justice.” *Commonwealth v. O’Neil*, 418 Mass. 760, 764-5 (Mass. 1994)

Background:

1. I intend to move for non-emergency relief to subpoena and question Christina Yakimowsky about the group chat conspiracy and Kearney’s harassment at the next hearing or trial.
2. On June 18th 2022 Aidan Kearney hosted a video on YouTube titled “Ep #493 - Worcester Softball Mom | Easton Trump Store Attack | Drag Queen | Is Chrissy Going to Jail?”¹ In the video Kearney said;
 - a. “I don’t know why you thought this was a smart idea, Chrissy, because you know me, and you know what I do, and you know I’m not gonna rest, you know that right, like you own a business, I am speaking to

¹ Located at https://www.youtube.com/watch?v=85Ch9_jAGG8&t=7553s

Chrissy right now cause I know she's listening. So, you a business, you have couple kids or whatever, and a family and it's called Royal Thermal View, did you think I wasn't gonna make it like my mission to take all that away from you? Did you think that?"

- b. "I'm just going to do what I always do, I am going to remind you every f*cking day, when you're alone, and sad, and crying, that you were the dumbest fucking person, who made the biggest mistake of your life when you decided to f*** with me, me of all people, **me the most vindictive cunt on the planet**, and you're like I'm gonna go f*** with that guy. That's a mistake girl, cause where is crusty panties²? She's not protecting you anymore...
- c. You've also lost your son, he's gone now, he will never look at you the same way, you're gonna be a estranged from him forever. Your own mother hates you, Cindy, she don't like you. Your, **your business is going to severely suffer from this**, when I contact every single one of your customers and let them know that -- and I'm gonna call every single one of your customers and let them know that any conversation that they have with you on the phone was likely recorded. Because that's what you are, you're a convicted wiretapper and your lawyer has, you're

² His nickname for Katherine Peter

gonna lose your lawyer now too, **you are losing everyone, cause that's what I do to people**, Chrissy, who fuck with me, and maliciously, I don't take it on the chin, I'm not one of those people that just moves on, I'm a vindictive cunt. **And I'm not gonna stop, we're just beginning here. I'm not gonna stop destroying your life**, just destroying it, like I am gonna take everything away from you that you love, I want you to feel as low as I did in early January when I found out that you betrayed me. I want you to feel that pain, and you're gonna feel it.”

- d. “I will not stop until you beg for mercy, and then I'm going to do it twice as much, you're gonna feel the way I felt when I was in my garage when I wanted to kill myself.”
- e. “I just wanna ask Chrissy how's life going? how's life? Do you regret, do you think, I just wanna remind her that six months ago, you were friends with me, you had a business, and you had kids, life was going OK for you, you had a nice house in Oxbridge. You owned a business, life was going pretty well for you. Then you decided I'm going to throw this all away and I'm going to burn this bridge and I am going to go to crusty panties, and Leaha, like they're going to protect me when Aidan retaliates against me, and exposes me, they will protect me, right? Nope. On your court date on February 17th when I confronted you,

where were they? Nowhere, but I was there. And I'm going to be at every court date...

3. I told this court that protection was necessary for Aidan Kearney to be reasonable before during and after Samantha Cardin's deposition. Aidan Kearney harassment prevented me from asking several questions, and Samantha Cardin eventually started crying and asked to end the deposition until she can get a lawyer.
4. I emailed Kearney as soon as the court asked us to schedule a hearing, Kearney refused to schedule, I told Kearney I'd pick the 28th if he did not give any input, Kearney did not respond or say anything about preschool graduation. When Kearney was subpoenaed, he did not say anything about graduation. When Kearney asked if I would consider doing zoom he did not tell me he was having car trouble.

Every time Kearney threatens a witness or hurts a child it is this court's fault. I will petition for superintendence and will likely file a new federal lawsuit next week if this court does not act. I can't keep starving without sleep much longer, this court is literally killing me by consistently protecting this psychopath.

Subscribed under the pains and penalties of perjury, and
respectfully submitted by
/S/ Rian Waters Dated: June 28, 2022
(530)739-8951 Watersrian@gmail.com

Date Filed 6/28/2022 2:40 AM
Superior Court - Hampden
Docket Number 1879CV00344

6/28/22 DENIED First, this is not an emergency, more importantly, this 4 year old case has spun off its axis. The only remaining claim in this case is Count 4 alleging a claim for libel based on statements in Kearney's book that Waters sold drugs. First PTC on 8/30/22 in pursuant to the date to be set.

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT
CIVIL ACTION NO. 1879CV00344

RIAN WATERS,
Plaintiff

vs.
AIDAN KEARNEY,
Defendant

Michael Collier
em-0/28/22. vs.

06/28/2022

EMERGENCY MOTION FOR AN INJUNCTION

I Rian Waters move for this court to issue an emergency injunction enjoining Aidan Kearney from harassing Cristina Yakimowsky on the internet until further court order. I also move for the court to allow me to submit the entire June 18th 2022 threatening video, and noteworthy clips of Kearney threatening Cristina and admitting that his intent is to punish her for her leaking evidence from his conspiracy group chat.

This court should grant the motion, because the newest threats are exceptionally explicit promising to "destroy" her, and to take away everything she ever loved, and this court has a duty to make sure that Kearney does not "destroy" a witness before trial. The First Amendment's right to litigation, the Ninth Amendment's reservation of unenumerated rights to the people, and the Fourteenth Amendment's rights to due process and equal protection imply a concomitant right to protection in the courts.

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT
CIVIL ACTION NO. 1879CV00344

RIAN WATERS,
Plaintiff

vs.

AIDAN KEARNEY,

WORCESTER DIGITAL MARKETING, LLC

TURTLEBOY ENTERPRISES, LLC

JOHN DOES 1-10,
Defendants

HAMPDEN COUNTY
SUPERIOR COURT
FILED

MAY 17 2022

[Signature]
CLERK OF COURTS

8/30/22

Denied

Michael K. Callahan

MEMORANDUM IN SUPPORT OF MOTION FOR SANCTIONS AND OR
DEFAULT

Kearney should be defaulted as Fraud on the court is proven with clear and convincing evidence, particularly Exhibit F.

Legal Standard:

"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." Choi v. Toyota Motor Sales USA, Inc., 93 Mass. App. Ct.

6/6/22 Enclosed to mark up for hearing

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss.

**SUPERIOR COURT
CIVIL ACTION
No. 18CV344**

RIAN WATERS

vs.

AIDAN KEARNEY

ORDER OF DISMISSAL

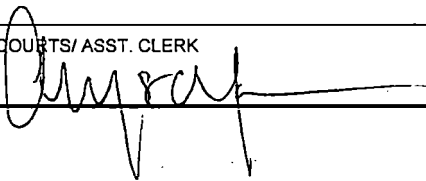
On August 30, 2022, at 2:00 PM this matter was called for Final Pretrial Conference.

Both parties appeared self-represented. Neither party filed a Joint Pretrial Conference Memorandum. The only remaining claim in this case is so much of Count 4 alleging libel based on alleged statements in defendant Kearney's book that Mr. Waters sold drugs. During a brief colloquy Mr. Waters indicated that he had "no witnesses"; and that he was unable to articulate his damages. Mr. Waters repeated several times his dissatisfaction with prior rulings from the Court and indicated a desire to appeal prior rulings of this court. Mr. Waters was either unwilling or unable to proceed with the case, notwithstanding the Court's invitation to set a trial date for the remaining claim. This matter is well over four years old, and Mr. Waters has not prepared the case for trial. For instance, by way of example only, he stated during the hearing that he was unable to identify witnesses for trial since he did not know the "drugs" that Mr. Kearney claimed he sold.

This case is DISMISSED without prejudice for failure to prosecute and without costs to either party

8/31/22


MICHAEL K. CALLAN
Justice of the Superior Court

JUDGMENT		Trial Court of Massachusetts The Superior Court	
DOCKET NUMBER 1879CV00344		Laura S Gentile, Clerk of Courts	
CASE NAME Rian Waters vs. Aidan Kearney et al		COURT NAME & ADDRESS Hampden County Superior Court Hall of Justice - 50 State Street P.O. Box 559 Springfield, MA 01102	
This action came before the Court, Hon. Michael K Callan, presiding, and upon consideration thereof, It is ORDERED and ADJUDGED: This case came on before the Court for a Final Pre-Trial Conference on 8/30/22 and the Plaintiff was not prepared to proceed with the case, therefore, the case is DISMISSED without prejudice for failure to prosecute and without costs to either party.			
DATE JUDGMENT ENTERED 08/31/2022		CLERK OF COURTS/ ASST. CLERK X 	

SUPERIOR COURT
CIVIL ACTION NO. 1879CV00344

Filed September 1, 2022

RA 189

5. I am also appealing David Hodges December 22nd, 2021, decision to deny the attachment of Kearney's bank account.

The adjustment disorder that the defendant intentionally stresses causes preoccupation with the stressor and its consequences, making it impossible for me to think of answers that I have already told this court. (Docket 70.2 at 5-7 and 70.1 pgs 2-4)

Respectfully submitted

/S/ Rian Waters

(530)739-8951 Watersrian@gmail.com Dated: 9/1/2022

Certificate Of Service

I, Rian Waters, hereby certify that on September 1st, 2022, I served the attached notice of appeal on Aidan Kearney by first class mail at 111 mason rd Jefferson MA. 01522

Subscribed under the penalties of perjury.

/s/ Rian Waters

Dated 9/1/2022

watersrian@gmail.com