

APPEALS COURT
Full Court Panel Case
Case Docket

RIAN WATERS vs. AIDAN KEARNEY & others
2020-P-0088

CASE HEADER

Case Status	Closed: Rescript issued
Status Date	09/16/2021
Nature	Tort
Entry Date	01/21/2020
Appellant	Plaintiff
Case Type	Civil
Brief Status	
Brief Due	
Arg/Submitted	04/16/2021
Decision Date	08/19/2021
Panel	Green, C.J., Vuono, Shin, JJ.
Citation	100 Mass. App. Ct. 1105
Lower Court	Hampden Superior Court
TC Number	1879CV00344
Lower Ct Judge	Constance M. Sweeney, J.
TC Entry Date	05/10/2018
SJ Number	
FAR Number	
SJC Number	

INVOLVED PARTY

ATTORNEY APPEARANCE

Rian Waters

Pro Se Plaintiff/Appellant
Blue brief & appendix filed
2 Enls, 108 Days

Aidan Kearney

Defendant/Appellee
Red brief filed
1 Enl, 62 Days

[Kevin Chrisanthopoulos, Esquire](#)

Turtleboy Enterprises LLC

Defendant/Appellee
Red brief filed
1 Enl, 62 Days

[Kevin Chrisanthopoulos, Esquire](#)

Worcester Digital Marketing LLC

Defendant/Appellee
Red brief filed
1 Enl, 62 Days

[Kevin Chrisanthopoulos, Esquire](#)

Samantha Cardin

Defendant

John Doe 1-10

Defendant

DOCKET ENTRIES

Entry Date	Paper	Entry Text
01/21/2020	#1	Lower Court Assembly of the Record Package
01/21/2020		Notice of entry sent.
01/21/2020	#2	Affidavit of indigency (IMPOUNDED) filed for Rian Waters.
01/21/2020	#3	Docketing Statement received from Rian Waters.
01/23/2020		RE#2 ALLOWED FORTHWITH. The appellant's Affidavit of Indigency appears regular and complete on its face, and indicates that the appellant is indigent. The court hereby allows the Motion to Waive entry fee. Notice sent.
01/27/2020	#4	MOTION to withdraw as counsel for Aidan Kearney, Turtleboy Enterprises LLC, Worcester Digital Marketing LLC, filed by Kevin Chrisanthopoulos.

01/31/2020		RE#4: Denied without prejudice to renewal accompanied by a certificate of service showing service on the defendants at their last known address. The defendants are to note that a corporation or LLC cannot proceed without an attorney to represent it. See <u>Varney Enterprises, Inc. v. WMF, Inc.</u> , 402 Mass. 79, 81-82 (1988) (except for small claims, only an attorney may represent a corporation). *Notice.
02/21/2020		DAR-27354 opened.
03/04/2020	#5	Motion of Appellant to extend date for filing brief and appendix filed by Rian Waters.
03/06/2020		RE#5: Allowed to 3/19/20. The appellant is to note that any future motions to enlarge a due date must include a date certain for the request. *Notice
04/17/2020		DAR DENIED (on 04/17/2020).
06/09/2020	#6	Notice of rejection of e-filed brief/appendix of Rian Waters as noncompliant for the reasons indicated on the checklist: 3,7,26 and 31. Accordingly, on or before 06/19/2020, you must correct the above-listed nonconformities and submit a conforming brief and/or appendix.*Notice sent.
06/10/2020	#7	Motion for Appointment of Counsel filed by Rian Waters.
06/11/2020		RE#7: The appellant's request for appointment of counsel to represent him in this appeal is denied because this court lacks the authority to appoint counsel in this civil case. The appellant's request for a protective order is denied without prejudice to refile in the trial court in the first instance. To the extent required, the appellant is given leave to file, and the trial court to consider, a request for a protective order. The appellant's brief remains due on or before 6/19/2020. If unable to make the corrections noted in the 6/9/2020 notice of rejection, the appellant may file a motion to file a non-conforming brief and appendix accompanied by the proposed brief and appendix, on or before 6/19/2020. (Hand, J.). *Notice
06/17/2020	#8	Motion of Appellant to extend date for filing brief and appendix filed by Rian Waters.
06/17/2020	#9	Appellant brief filed by Rian Waters.
06/17/2020	#10	Appendix filed by Rian Waters.
07/03/2020		RE#8: The brief and appendix are accepted for filing subject to possible further action by the panel designated to decide this appeal regarding appellant's request concerning Appendix page 82. *Notice.
07/06/2020	#11	MOTION of Appellee to extend brief due date filed for Aidan Kearney, Turtleboy Enterprises LLC and Worcester Digital Marketing LLC by Attorney Kevin Chrisanthopoulos.
07/09/2020		RE#11: Allowed to 9/17/2020. *Notice
09/17/2020	#12	Notice of rejection of e-filed brief/appendix of Aidan Kearney, Turtleboy Enterprises LLC, Worcester Digital Marketing LLC as noncompliant for the reasons indicated on the checklist: 11 (Appendix), 25, 29. Accordingly, on or before 09/21/2020, you must correct the above-listed nonconformities and submit a conforming brief and/or appendix.*Notice sent.
09/21/2020	#13	Appellee brief filed for Aidan Kearney, Turtleboy Enterprises LLC and Worcester Digital Marketing LLC by Attorney Kevin Chrisanthopoulos.
09/28/2020	#14	MOTION to file supplemental appendix filed by Rian Waters.
09/29/2020		RE#14: Referred to the panel designated to decide this appeal. *Notice
01/18/2021	#15	Motion for misc relief (Motion for Injunction) filed by Rian Waters.
01/19/2021		RE#15: Following the filing of all briefs, this matter was placed on the non-argument list and will proceed to panel consideration in due course. Accordingly, Appellant's alternative request for relief, that this court decide the case on the briefs, is allowed. *Notice.
03/15/2021		[Vacated as having entered in error (by the Court 3/16/2021)] Under consideration by Panel. (Vuono, J., Shin, J.).
03/16/2021		Scheduled for submission to a panel without argument.
04/16/2021		Under consideration by Panel. (Green, C.J., Vuono, J., Shin, J.).
08/19/2021		RE#14: Denied. (Green, C.J., Vuono, J., Shin, J.). *Notice.
08/19/2021	#16	Decision: Rule 23.0. So much of the judgment entered on July 8, 2019, that dismissed count four 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, is reversed. 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. (Green, C.J., Vuono, Shin, JJ.). *Notice.
09/16/2021		RESCRIPT to Trial Court.