

COMMONWEALTH OF MASSACHUSETTS

APPELLATE DOCKET #2020P0088
LOWER COURT DOCKET # 1879CV00344

RIAN WATERS,
Appellant/Petitioner

v.

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

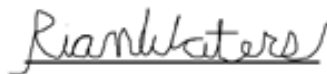
Motion for an injunction/ protection order

Filed Pro se by Rian Waters

I, the Appellant Rian Waters, move for this court to require Aidan Kearney to retract all articles and videos harassing me or threatening and encouraging violence against my family until at least 10 days after the case is decided. Alternatively, I ask this court to decide the case on the briefs, as I will be unable to participate. The Superior Court's decision to deny protection is an abuse of discretion that cannot be explained with logic. Aidan Kearney does not deny that on the days leading up to court hearings his social media accounts facilitated and encouraged several death threats against me with intent to retaliate and "destroy

me.” Aidan Kearney does not deny that he committed perjury to obstruct the case and he made no attempt to deny that he wiretapped me in a courtroom and later used the recording to harass me. The threats and harassment and otherwise obstructive conduct caused me to have an adjustment disorder and being exposed to these stressors not only impairs my global functioning, but it also increases the severity of permanent mental health damage. It cannot be considered fair to allow Aidan Kearney to incite his followers to “burn [my] family to the ground” because I sued him. Additionally, I argue that the courts duty to protect witnesses should not end while the case is still in the Appellate court.

Respectfully Submitted



1/18/2021

Rian Waters 199 Allen st.
East Longmeadow MA 01028(530)739-8951
Watersrian@gmail.com

Certificate Of Service

I, Rian Waters, hereby certify that on January 18th, 2021, I served the Defendants by emailing:

Kevin Chrisanthopoulos, Esq.
kevin@kctrialattorney.com

Subscribed under the pains and penalties of perjury.



Dated January 18, 2021

COMMONWEALTH OF MASSACHUSETTS

APPELLATE DOCKET #2020P0088
LOWER COURT DOCKET # 1879CV00344

RIAN WATERS,
Appellant/Petitioner

v.

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

Memorandum in support of Motion for an injunction/ protection order

Background:

At the 1/9/2019 hearing for 1879cv0344 Judge Jane Mulqueen told the Defendants' that death threats sent before a court hearing are irrelevant if they are sent by 3rd parties [or with fake names.] After that hearing I received over a hundred threats putting me in a coma like state. My filings became sloppy and unorganized, and my ability to argue at hearings was critically impaired. I presented some of the threats to the court in an impoundment motion and told the court that I could not present evidence or name witnesses without some protection, the order was denied because I was unable to file under 9a. At the summary judgment motion hearing the court again ignored my complaints of death threats. My appellate briefs for this case and

2020-p-0859 were also significantly affected by the harassment. I filed for a protection order in the Superior court, and **Aidan Kearney did not deny any of the allegations and facts presented in my affidavit**, instead his lawyer argued that the court already approved of all the misconduct I complained about. The Superior court denied the requested protection two days before Christmas in 2020. I am not willing to participate in another hearing for this case while threats of violence are terrorizing me and my witnesses.

Facts that were not properly presented to the lower court:

- 1) On November 12th 2020 Aidan Kearney described how he used his platform to cause distress and punish the family members of a pro se litigant in a different case, Aidan Kearney then stated “When General Sherman marched to f*cking Atlanta he lit everything on fire F*cking everything, **men women children dogs everything f*cking burns until you surrender** that's how it f*cking works, if you want to declare war, then people f*cking die in war including civilians. When we bombed Hiroshima and Nagasaki we knew that a bunch of f*cking kids women are gonna die in that too f*cking bad then f*cking surrender f*cking surrender and then they finally surrendered didn't they, that's what you gotta do unfortunately there is collateral damage so **I want to make sure the message is sent here, if you f*ck with me, if you try to sue me, I'm not going to go after you, I'm going to go after your f*cking family**, don't f*ck with me, that's all I'm saying alright. I'm not playing

with these people I paid 30,000 f*cking dollars in legal fees last year the sh*ts not f*cking cute anymore and I'm not f*cking playing defensive and hiding anymore. **I'm going to burn your family to the ground** just understand that.”

- 2) The November 11th, 2020 threat impaired my ability to argue at the lower court's protection order hearing on November 19th 2020.
- 3) Because the court refused prior attempts to submit threats on CD. On November 19th 2020 I emailed a one minute video clip of Aidan Kearney's November 11th 2020 threat to the court and opposing counsel stating “Defendant Aidan Kearney said last week he is going to attack and destroy my family. May I file this video clip (and the full video for context) in any format? or a short affidavit transcribing the threat?” The court didn't respond, but the court did say during the November 19th hearing that he read an email sent by opposing counsel that was sent to the exact same email address on the same day.

Undisputed Facts

- 4) Samantha Cardin would not have signed an affidavit against me if there had been a witness protection order.
- 5) The reason I did not present evidence in 1879CV0344 was because I did not want Aidan Kearney to destroy Samantha Cardin, or any more of my witnesses on his public shaming device.
- 6) 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.

- 7) 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)
- 8) 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.
- 9) On January 13th 2019, February 3rd 2019, and August 8, 2020, Aidan Kearney’s website TurtleboySports.com published several harassing images that his now ex-employee 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.
- 10) 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.

- 11) Motion hearings were scheduled for 1879CV00344 on but not limited to 01/09/2019, 01/15/2019, 01/17/2019, and 02/19/2019
- 12) Katherine Peter published articles about me on, but not limited to 01/04/2019, 01/07/2019, 01/08/2019, and 02/13/2019
- 13) 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.
- 14) On January 9th, 2019, Aidan Kearney secretly took pictures of me in the courtroom, and recorded video.
- 15) 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.
- 16) On January 4th, 2019 five days before we had a hearing for 1879CV00344, the Turtleboy Sports posted an article on their website and Facebook accounts that instigated several of his followers to send threats of violence.

17) 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...”

18) 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”

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

20) On July 14th, 2020 Aidan Kearney admitted that he did write the 1/6/2017 article about me, and he said he wrote several blogs about me.

Argument:

The court has a fundamental duty to use its inherent power as necessary to

ensure I am fairly heard with conformity to the laws.

“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... 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 (2003) quoting Bucchiere v. New England Tel. Co., 396 Mass. 639, 642 (1986) “The 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. The possession of such power involves its exercise as a duty whenever public or private interests require.” Crocker v. Justices of Superior Court, 208 Mass. 162, 163 (1911) “Although they may be recognized by statute, [these powers] . . . exist without a statute, for they ‘directly affect the capacity of the judicial department to function.’ Commonwealth v. Jackson, 369 Mass. 904, 921-922 (1976). “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, 763-64 (Mass. 1994) quoting from O’Coin’s, Inc. v. Treasurer of the County of Worcester, 362 Mass. 514 (Mass. 1972). “The intimate relationship between these rights and the judicial power is made clear in art. 29 of the Declaration of Rights: ‘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.’ Also it is provided in art. 11: ‘Every subject of the Commonwealth . . . 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.’” O’Coin’s, Inc. v. Treasurer of the County of Worcester, 362 Mass. 507, 509 (Mass. 1972) I’m of the opinion that John Adams wanted court cases to conform to all laws, and that had he meant a particular type of law, I believe he would have listed the specific type of law. Regardless this case has not conformed to any type of laws. Aidan Kearney intentionally harassed and caused financial and emotional damage to Michael Gaffney and me (I am/was a person attending motion hearings) violating G.L. c. 268 § 13B. Aidan Kearney committed perjury when he said he didn’t write the original article or know who did. Aidan Kearney also committed perjury on an affidavit to create a “good cause” excuse for defaulting, which violates G.L. c. 268 § 1. Common law precedents were also ignored, criminal allegations are defamatory per se, people cannot strategically flout with impunity, and a company does not protect you from your own actions. Lastly canon law currently requires a judge to ensure that all litigants are fairly heard.

“Clear and present danger is an appropriate guide in determining the constitutionality of restrictions upon expression where the substantive evil sought to be

prevented by the restriction is destruction of life or property, or invasion of the right of privacy” Bridges v. California, 314 U.S. 252, 258 (1941)

Respectfully Submitted

Rian Waters

1/18/2021

Rian Waters 199 Allen st.
East Longmeadow MA 01028(530)739-8951
Watersrian@gmail.com

COMMONWEALTH OF MASSACHUSETTS

APPELLATE DOCKET #2020P0088
LOWER COURT DOCKET # 1879CV00344

Addendum

- | | |
|---|-------------|
| 1. Hon. John S Ferrara's decision | page 13 |
| 2. Plaintiff's motion for protection order | pages 14-54 |
| 3. No written opposition filed. | pages 55-57 |

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

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN COUNTY,

Superior Court
1879CV0344

RIAN WATERS,
Plaintiff

AIDAN KEARNEY,
Defendant

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.

I ask that after hearing this court order Aidan Kearney:

- A. retract every article that was written about me, and either change the name or retract every podcast with my name in the title until 10 days after final adjudication.
- B. Whatever else the court deems appropriate.

To clarify, I am okay with Aidan Kearney discussing the case on other mediums not directly connected to his blog, as long as it is in a non-threatening manner, and that he does not post links, or allow others to post links to the discussion on any of his blogs or associated social media accounts.

Submitted by,



6/30/2020

Rian Waters
199 Allen st.
East Longmeadow MA 01028
(530)739-8951
Watersrian@gmail.com

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN COUNTY,

Superior Court
1879CV0344

RIAN WATERS,
Plaintiff

AIDAN KEARNEY,
Defendant

**Memorandum in support of Plaintiff's motion to have his case heard with
some conformity to the laws.**

Justice and equity require that this court use its inherent power as it deems necessary to prevent Aidan Kearney from using his weaponized public shaming blog to prevent the full and fair presentation of my argument in the appeals court. To prevent Aidan Kearney from punishing witnesses for their participation in the furtherance of justice, as the established methods have failed to provide the protection required, and there is a clear and present danger of more obstructive misconduct. To compensate for the harm caused.

Background:

At the 1/9/2019 hearing Judge Jane Mulqueen told the Defendants that death threats sent before a court hearing are irrelevant if they are sent by 3rd parties [or with fake names.] After that hearing I received over a hundred threats putting me in a coma like state. I presented some of the threats to the court in an impoundment motion, which was denied. At the summary judgment motion hearing the court again ignored my complaints of death threats and said that the court could not investigate criminal allegations and suggested I go to the police. The police are not willing to pursue any charges against Aidan Kearney, and some police have been obstructive. I filed private criminal complaints in the district court. The District court cited outdated elements and essentially said it is legal to direct an organization that you know to be weaponized to harass an opposing litigant on the days before a court hearing with intent to destroy them. In June 2020 I filed a motion in the Appeals court for a witness protection order which was denied without prejudice contingent on me first filing in the trial court. After this court denied the motion Aidan Kearney posted two more harassing articles, one of which had altered images with my face on gay porn. The other one caused a harassing music video to be published which also harassed my December 17th potential witness, and my old roommate. The reason I have not refiled is because the Defendant's attorney has refused to accept email service, and I am not willing to let the Defendants know where I am living.

Argument:

Legal Standard:

“The 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. The possession of such power involves its exercise as a duty whenever public or private interests require.” Crocker v. Justices of Superior Court, 208 Mass. 162, 163 (1911)

"Although they may be recognized by statute, [these powers] . . . exist without a statute, for they ‘directly affect the capacity of the judicial department to function.’” Commonwealth v. Jackson, 369 Mass. 904, 921-922 (1976). “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, 763-64 (Mass. 1994) quoting from O’Coin’s, Inc. v. Treasurer of the County of Worcester, 362 Mass. 514 (Mass. 1972). The *O’Coin’s* court "The very conception of inherent power carries with it the implication that its use is for occasions not provided for by established methods. Only when established methods fail and the court shall determine that by observing them the assistance necessary for the due and effective exercise of its own functions cannot be had, or when an emergency arises which the established methods cannot or do not instantly meet, then and not till then does occasion arise for the exercise of the inherent power." “Clear and present danger is

an appropriate guide in determining the constitutionality of restrictions upon expression where the substantive evil sought to be prevented by the restriction is destruction of life or property, or invasion of the right of privacy” Bridges v. California, 314 U.S. 252, 258 (1941) “Under general equity principles, an injunction issues only if there is a showing that the Defendant has violated, or imminently will violate, some provision of statutory or common law, and that there is a ‘cognizable danger of recurrent violation.’” Madsen v. Women's Health Ctr., 512 U.S. 753, 757 (1994), see also United States v. W T. Grant Co., 345 U. S. 629, 633 (1953)

Equity principles require a protection order so that I may be fairly heard.

Aidan Kearney has been aware that his harassment was the cause and stressor of my adjustment disorder, yet he has continued to use his public shaming device before and after every legal proceeding.

The nature of the Defendant’s blog, and the long list of obstructing acts meets the clear and present danger standard.

When fundraising Aidan Kearney describes his business as a blog that has weaponized public shaming (Exhibit A ¶3), and he has admitted that he gets sexual pleasure by punishing people that “poke him”. (Exhibit A ¶18) Aidan has also harassed me before every important event in the case (Exhibit A) and has relentlessly attacked anyone, and everyone willing to help further justice. On September 26th, 2019 Aidan Kearney took credit for and explained the purpose of Katherine’s

January 2019 articles that were published on the days leading up to the hearings for this case. He said “we have killed him with words, our words have destroyed and exposed this man, as it should be. Rian Waters deserves to die destitute” (Exhibit A ¶14)

The case was docketed in the Appeals court on 1/21/2020, and on 1/25/2020 Aidan Kearney read my address out loud on his internet show, (YouTube) and showed a picture of the house and said to his weaponized followers that the world will be a better place with me dead (Exhibit A ¶33). For his sadistic followers this is a clarion call for violence. “The term "true threat" has been adopted to help distinguish between words that literally threaten but have an expressive purpose such as political hyperbole, and words that are intended to place the target of the threat in fear, whether the threat is veiled or explicit. A true threat does not require an explicit statement of an intention to harm the victim as long as circumstances support the victim's fearful or apprehensive response. Nor need a true threat threaten imminent harm; sexually explicit or aggressive language directed at and received by an identified victim may be threatening” O'Brien v. Borowski, 461 Mass. 415, 416 (2012)

Aidan Kearney continued to publish articles that he knew would cause hundreds of people to harass me, even though I kept telling the court that the harassment was preventing me from presenting evidence, and that he had caused me

to have Adjustment disorder. “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,’ Bucchiere v. New England Tel. Tel. Co., 396 Mass. 639, 642 (1986), 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... 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 (2003) “There are special, limited circumstances in which speech is so interlaced with burgeoning violence that it is not protected by the broad guarantee of U.S. Const. amend. I.” Carroll v. President & Comm'rs of Princess Anne, 393 U.S. 175, 176 (1968)

The timing of harassment shows intent

Most of the harassment took place shortly before the scheduled hearings for 1879CV00344 that were scheduled on 11/20/2018, 01/09/2019, 01/15/2019, 01/17/2019, and 02/19/2019. “the timing of the defendant's actions makes it more, rather than less, likely that he was trying to intimidate the witness.” Commonwealth v. Robinson, 444 Mass. 102, 109 (2005)

The established methods have failed to discourage harassment.

During the summary judgment hearing the court argued that it was unable to investigate my witness intimidation allegations and suggested that I talk to the police. I went to the Springfield police, East Longmeadow police, and the State police with no avail. I filed a motion to reconsider the preliminary injunction based on my adjustment disorder diagnosis and the then new misconduct, and I filed for a 258e order, and I have filed multiple applications for a criminal complaint to be issued against Aidan Kearney.

Some of the obstruction took place inside the courtroom

The pictures and videos he took on January 9th 2019 were inside the courtroom, he admits that his shoes give it away, but he was also the only person sitting next to “Bristol” while the case was being heard. (Exhibit B)

The court has a fundamental duty to use its inherent power as necessary to ensure I am fairly heard with conformity to the laws.

“The intimate relationship between these rights and the judicial power is made clear in art. 29 of the Declaration of Rights: ‘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.’ Also it is provided in art. 11: ‘Every subject of the Commonwealth . . . 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*.’” O'Coin's, Inc. v. Treasurer

of the County of Worcester, 362 Mass. 507, 509 (Mass. 1972) I'm of the opinion that John Adams wanted court cases to conform to all laws, and that had he meant a particular type of law, I believe he would have listed the specific type of law. Regardless this case has not conformed to any type of laws. The Defendant intentionally harassed and caused financial and emotional damage to Michael Gaffney and myself violating G.L. c. 268 § 13B. Aidan Kearney lied on an affidavit to create a "good cause" excuse for defaulting, which clearly violates G.L. c. 268 § 1. Common law precedents were also ignored, like that criminal allegations are defamatory per se, or that people cannot strategically flout with impunity. Lastly canon law currently requires a judge to ensure that all litigants are fairly heard.

Submitted by,



6/30/2020

Rian Waters
199 Allen st. East Longmeadow MA 01028
(530)739-8951 Watersrian@gmail.com

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN COUNTY,

Superior Court
1879CV0344

RIAN WATERS,
Plaintiff

AIDAN KEARNEY,
Defendant

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@kctrialattorney.com,

Subscribed under the pains and penalties of perjury.

Rian Waters

9/30/2020

Exhibit B

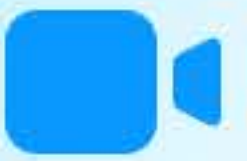
JUN 23, 2019, 9:53 AM

So I might've taken pictures of Rian in court, which is illegal. I can't post them in the comments because then it would be obvious I had taken them, if they existed. However, if someone else posted them who obviously wasn't there because they were in Illinois....





Clarence Woods Em...



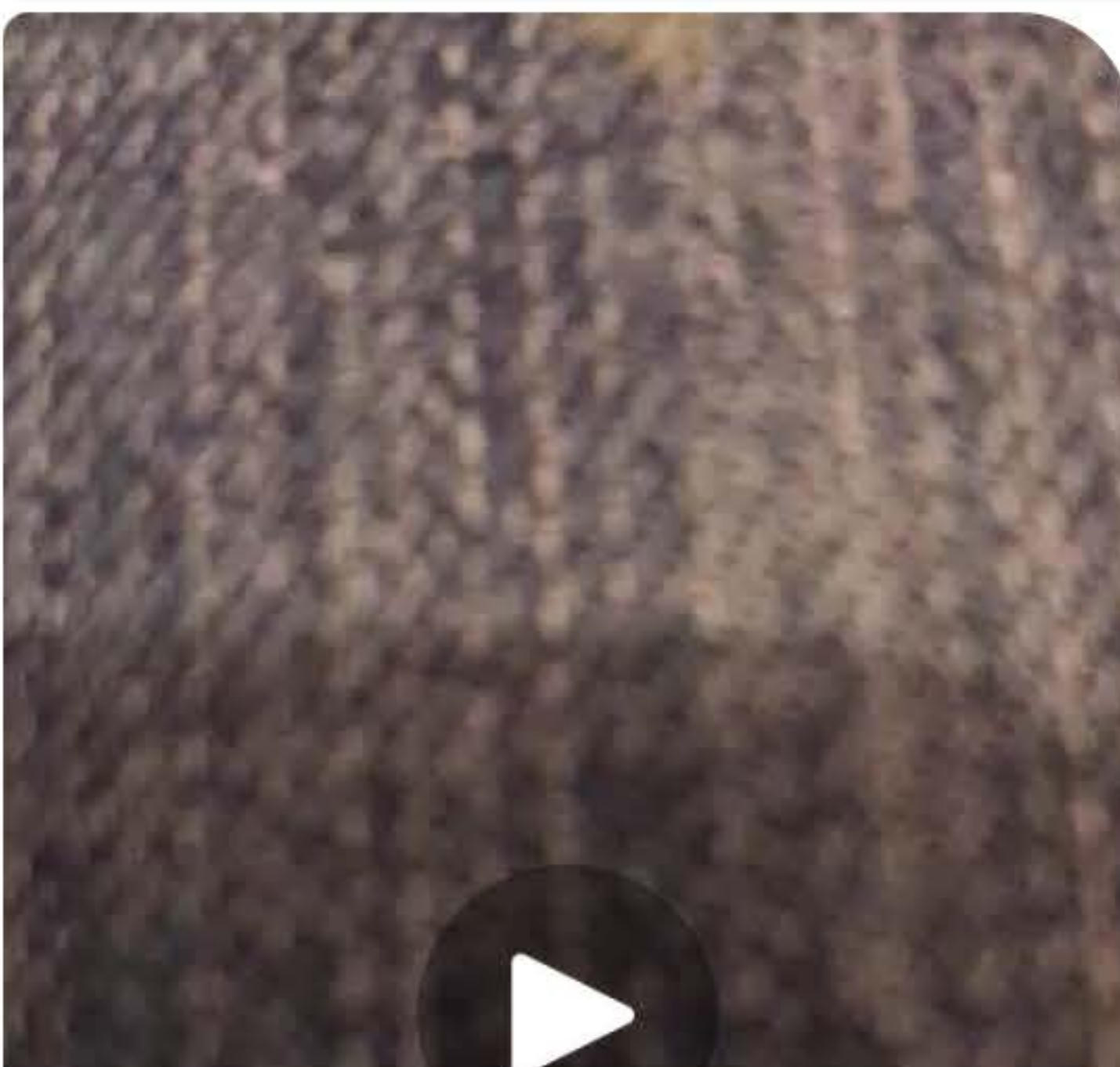
I also have video, but you can see my show in it so will give it away. So just keep it here unless you can rip the audio



I can definitely try!



That first video is hilarious. He whines about Bret and the Turtleboy graveyard



Aa





Aa



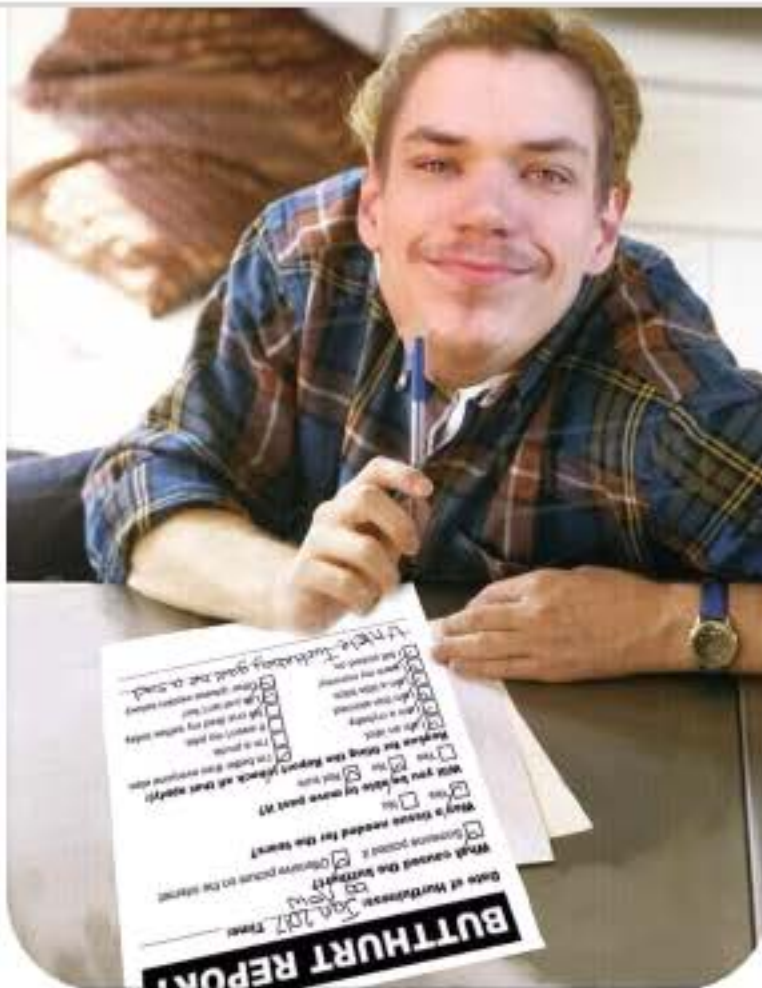


There's Bristol's sexy legs

Exhibit C



Replies



4m Like Reply



Michelle Olson
Rian Waters



1m Like Reply



Write a reply...



Exhibit D



She made most of the Gaffney memes.

MAR 25, 2019, 10:56 PM

Kate you got any of those Gaffney memes lying around?



I got some



Yeah i have them somewhere



You cant use the gay porn lmao



Single Ukrainian Ladies Looking For Their Soulmate (39+)

CLICK TO DOWNLOAD THE TURTLEBOY APP



Exhibit E

gone. This doesn't help Rian in the slightest. It just keeps an innocent family safe. I am very sorry for anything that your family goes through, has gone through, and is going through, and I am in no way wishing to be involved in anything besides keeping my family safe from an extremely violent and psychotic person and I will never sleep again with that up we are really NOT SAFE, I can't understand why you won't allow me to just respectfully ask you please take down our address ? I have texted him and am waiting for his response and there is nothing more I can do on my end right now

Everything my family is going through is because of Rian. He is evil. Why are you friends with such an evil

i wanna see

and i want him to message this page.

I will tell him to message you

how do you feel about him using your address? Why is he using your address? He dragged you into this by using your address to sue fucking Turtleboy. Do you understand how fucking stupid that is?

We're the ones you don't do that too unless you want to get your shit blown up

I want answers from you too. I want to know why he used your address

and i want to know exactly

Exhibit F

 Philip V Prentiss shared a post. 33 mins • 

Who did this?



Michael T Gaffney
Admirers Club

2 hrs • 

LIKE PAGE

What am amazing performance. So raw, so real, so brave.....so....gay....



 Turtleboy Sports Forever 44 mins • 

Philip got suspended for 30 days last night for sharing a BrokeGaff Mountain meme. Follow Terrance instead. We won't be silenced.

<https://www.facebook.com/profile.php?id=100010820254445>



 Terrance Collie
In Fort Wayne, Indiana

Shop Now

turtleboysports.com



For the 17,500 turtle riders currently following Clarence Woods Emerson on Facebook, I regret to inform you that Clarence will be suspended for the next 30 days.

You're Temporarily Blocked From Posting

This temporary block will last 30 days, and you won't be able to post on Facebook until it's finished.

If you post something that goes against our standards again, your account will be blocked for another 30 days.

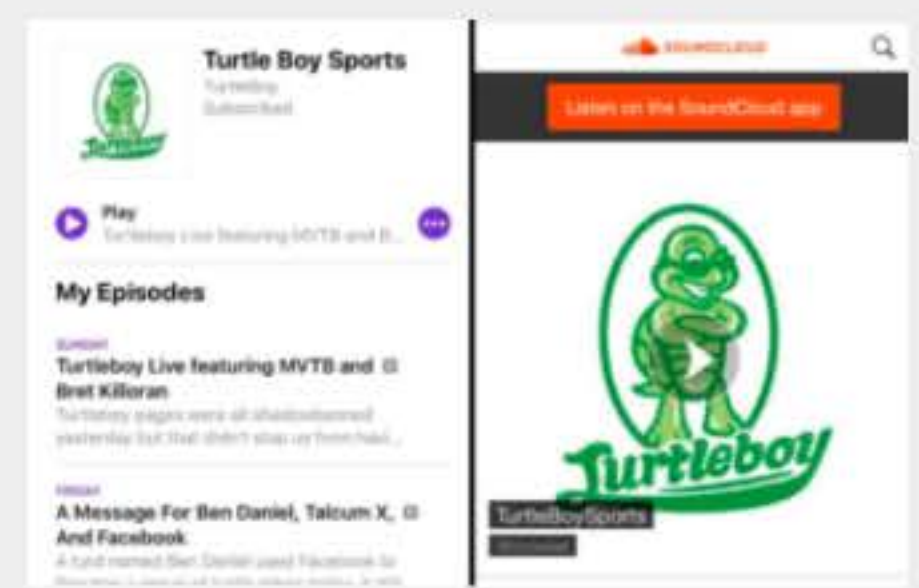
Please keep in mind that people who repeatedly post things that aren't allowed on Facebook may have their accounts permanently disabled.

Log In

The infraction? Posting a screenshot of something alleged domestic abuser Rian Waters said on our Facebook page.



LISTEN TO UNCLE TURTLEBOY'S LATE NIGHT GARAGE PODCAST ON ITUNES AND SOUNDCLOUD



Only you can see this post because...



Twitter

Facebook 210

LinkedIn

210 SHARES

Exhibit G

3:41          ...    8% 

Kevin Chrisanth... 1/15/2019

to me, Turtleboy ^



From Kevin Chrisanthopoulos •
kevin@kctrialattorney.com

To Kathrine Peter • kpeter122987@gmail.com
Turtleboy Hottakes •
turtleboysports@gmail.com

Date Jan 15, 2019, 9:14 AM

 Standard encryption (TLS).
[View security details](#)

Kate/Aidan,

Have either of you had contact with Sam since the hearing? I've called her twice and sent her several emails with an affidavit to review and sign for our Motion to Dismiss. Unfortunately she has not responded to me. I really cannot contact her again as I do not want to appear to be harassing her. Although the affidavit is not essential to our Motion, it would certainly help if she states that Rian did in fact hit her and her dog in an affidavit.

I will be filing the Motion tomorrow, please let me know if either of you had contact with her.

Bristol Crew Live

19 MINUTES AGO



Exhibit H

today too!

Like · Reply · 1y 3

Dany A Cee
I'm shocked this guy bailed answering after people. Called him out for not paying child support. Can a turtle rider please sit outside the courthouse and another inside the courtroom so we can hear asap when he gets laughed out of court. Please take notes and share some good quotes!!

Like · Reply · 1y 4

Melyssa StPierre
Max Rider I can't even with you..... I am so beyond envious of your writing .

Like · Reply · 1y 2

Matthew Malloy
He's got one of those faces you just want to smash with a brick

Like · Reply · 1y 5

Melyssa StPierre
Matthew Malloy like multiple times

Like · Reply · 1y 1

Haley Black
Patrick McDonough rian waters! Offended by everything.

Like · Reply · 1y 1

Mary Ann Kalian
Rian Waters shut up #POS

Like · Reply · 1y

Mary Ann Kalian
Rian Waters asshole

Like · Reply · 1y

Heather R Scanlan
Rian Waters , the ol' fallen cabinet excuse.

Like · Reply · 1y 4

5
Clarence Woods Emerson
Joshua Ramondi
Dave Lenane
Dawn Marie Bennett
Elyssa Margwarth

- 

Savanna Burnett
Rian Waters, u have got to be the biggest dumbass to even think that you have a chance to win anything in court! Ur sick and twisted . like who tf does this shit ! How r u gonna fuckin kill a dog beat ya bm sue turtle for exposing ur evil ways an think u will even win or amount to any thing?
Like kid ur worthless useless u shud of been left in ya dad's sack kid . smfh ppl like u make me wish that we can do a ligit purge! Ya ass wud be snipped with the quickness. When this blows up in ur face I hope u truly hide cuz u got a shit load of angry ppl now that ain't happy with u n are actually bout that life wear bums women beaters like u get karma n u won't make it far in life the way ur living ur sadistic life scumbag

Like · Reply · 1y 12
- 

Wodword Harry Nerm
Savanna Roderick live that life yo. Fuck around and find out. FR FR. Na I mean

Like · Reply · 1y 7
- 

Savanna Burnett
Nerm Harry Wodword ?

Like · Reply · 1y 5
- 

Michael Hunt
Hey pornstash. Make me Joe Doe #11. If I find your ass you'll be sorry. Luckily the poker community is small. You'll remember Mike when he makes your teeth even more fucked up! Pussy bitch!

Like · Reply · 1y 17
- 

Sarah Rose
Rian Waters the first thing a lawyer would tell you is to keep your mouth shut 🤐 so this is evidence that either your a total moron or that you have not spoken to a lawyer (both of which we already know 🤐)

Like · Reply · 1y 26

- Like · Reply · 1y

 **Gail Garvin**
I would like to kick him in the kidneys and he never gets up

Like · Reply · 1y
-  **Jennifer Klein**
What a piece of shit!!! Stating that because she was a large breed she already had back/hip problems. Ummmmmm sorry asshole that doesn't happen that fast for a 10 month old puppy. My full bred Mastiff is 9 and still walks up and down the stairs. You ar... [See More](#)

Like · Reply · 1y · Edited 4
-  **Janice Butler**
Shit head 3

Like · Reply · 1y

↳ 1 Reply
-  **Joann Krafve**
Douche

Like · Reply · 1y
-  **Eric Rossini**
Where does this kid frequent? Work? Etc?

Like · Reply · 1y
-  **Macalla Barry**
Time to ruin his life ✓ 9

Like · Reply · 1y

↳ 1 Reply
-  **Scott Lessing**
Piece of shit... 3

Like · Reply · 1y
-  **Emily Horrigan**
I am actually crying. I hope Sam, her daughter and Luna get every ounce of justice and more.



Kevin Chrisanthopoulos, Esq.
Kevin@KCTrialAttorney.com
Direct Fax: (413) 372-1610

October 7, 2020

VIA EMAIL ONLY
WATERSRIAN@GMAIL.COM

Mr. Rian Waters
199 Allen Street
East Longmeadow, MA 01028

RE: **Rian Waters v. Aidan Kearney**
Civil Action No. 1879CV00344

Dear Mr. Waters:

Pursuant to Superior Court Rule 9A, enclosed please find a copy of the following with regard to the above entitled matter:

- Request for Hearing Date on Plaintiff's Motion for Protection Order.

Thank you for your prompt attention in this regard.

Very truly yours,

Kevin Chrisanthopoulos, Esq.

KC/pb
Enclosure

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF THE TRIAL COURT

HAMPDEN, SS.

SUPERIOR COURT
CIVIL ACTION NO. 1879CV00344

RIAN WATERS
Plaintiff

vs.

AIDAN KEARNEY,
Defendant

**REQUEST FOR HEARING DATE ON PLAINTIFF'S MOTION
FOR PROTECTION ORDER**

The defendant, Aidan Kearney, respectfully requests that the Court set the Plaintiff's Motion for Protection Order for hearing.

AIDAN KEARNEY,
By his attorney,



Kevin Chrisanthopoulos, Esq.
BBO # 643734
KC LAW
30 Court Street, Suite 1
Westfield, MA 01085
(413) 251-1010
(413) 372-1610 fax
Kevin@KCTrialAttorney.com

CERTIFICATE OF SERVICE

I, Kevin Chrisanthopoulos Esq., hereby certify that on this 7th day of October, 2020, I served a copy of the above upon the parties in the action, via email, to the plaintiff:

Rian Waters

watersrian@gmail.com

Subscribed under the penalties of perjury.



Kevin Chrisanthopoulos, Esq.