

Suffolk Superior Civil Court  
UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

2184 CV 02950

CASE NO. 1:22-cv-11685-WGY

RAYMOND C. GREEN, INC., as  
TRUSTEE OF THE RAYMOND C.  
GREEN TRUST,

Plaintiffs,

v.

LOUIS DELPIDIO and NICHOLAS FIORILLO

Defendants.

SUFFOLK SUPERIOR COURT  
CIVIL CLERK'S OFFICE  
DEC 28 2022  
MICHAEL JOSEPH DONOVAN  
CLERK OF COURT

FILED  
IN CLERK'S OFFICE  
2022 NOV 21 PM 5:26  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

**NICHOLAS FIORILLO'S SPECIAL OMNIBUS MOTION TO DISMISS PLAINTIFF'S COMPLAINT FOR UNCLEAN HANDS; THROUGH PATTERN OF FRAUD ON THE COURTS; VIOLATIONS OF CIVIL RIGHTS TO DUE PROCESS BY THE RGPSQ ENTERPRISE; PATTERN OF UNLAWFUL DEBT COLLECTION ACTIVITIES IN VIOLATION OF R.I.C.O. 18 U.S.C, 1962-1968 ss ET SEQ; CONSPIRACY OF LOAN SHARKING; OBSTRUCTION OF JUSTICE; WITNESS TAMPERING AND; ELECTRONIC EAVESDROPPING, IN VIOLATION OF FEDERAL LAW AND RULES OF PROFESSIONAL CONDUCT UNDER RULE 60**

Nicholas Fiorillo, pro se litigant, hereby moves the Court pursuant to Rules 11, 16, 26, 37, and 41. of the Federal Rules of Civil Procedure and for violations of Civil Rights 1433 5th and 14th, Amendments, to dismiss the Plaintiffs' Complaint, for their unlawful unclean hands and vexatious fraud on the Massachusetts State and Federal Court Systems. This in addition to their pattern of unlawful predicate acts, in violation of the Racketeer Influenced and Corrupt Organizations ("RICO") Act (18 U.S.C. § 1961-1968 et seq. and (18 U.S.C. 1958(a)(b)(c)), 18 U.S.C. Hobbs Act § 1951 et seq. - Interference with commerce by threats or violence, "Dodd-Frank Wall Street Reform Act 28 (12 U.S.C. 1831 e) and violations of the Electronic Communications Privacy Act of 1986 ("ECPA") or the "Wiretapping Act."

Nicholas Fiorillo pleads with this court for relief from actual and proximate damages due to an ongoing pattern of fraudulent conduct by Plaintiffs and their attorneys, aka "The RGPSQ

Racketeering Enterprise” (“RGPSQ”). Led by Raymond C. Green, Peter Spitalny and Thomas Quinn and aided and abetted by individuals including but not limited to: Samuel Spitalny, Jacob Spitalny, Brian Sheehan, Shawn Townsend, Joan Green, Stuart Bornstein and Stephen Quillinan, and aided and abetted by Enterprise attorneys George McLaughlin, Kevin Peters, Michael Brier, Nicholas Nesgos, Jeffrey Hellman, Anthony Alva and Matthew Welnick; the unclean hands of these associates-in-fact has resulted in systemic frauds upon multiple courts, by way of six unlawful, predatory debt collection lawsuits. These individuals have far greater things to be concerned about now, especially in light of the extent of ongoing investigations made part of Exhibits A and B appended hereto, than the prospect of their civil matters being summarily dismissed pursuant to this motion, due to unclean hands and fraud on the Court.

While the principle of unclean hands “is an equitable principle, and generally has no application to an action at law for breach of contract,” since the plaintiffs in this action acted in bad faith when initially drafting the contract, defendant Nicholas Fiorillo is well within his right to properly raise the unclean hands defense, among other potential defenses. As will be explained in greater detail in this Motion, the crux of the matter is that the subject “agreement” alleged between Plaintiffs and Defendant was unconscionable, undertaken with an egregious absence of good faith and fair dealing. The question of an attempt to collect an unlawful debt has always been a Federal question, and, in addition to the historical denial of Mr. Fiorillo’s Constitutional, civil rights to due process, which include a free and fair hearing unblemished by judicial bias, regardless of Plaintiff’s claims to the contrary, removal of these matters to Federal Court was just and well within Fiorillo’s rights to do.

Whether the tort of intentional, fraudulent misrepresentation or the crime of coercion, the doctrine of unclean hands is not the only one applicable to not only this instant action, but those intertwined with it. There is a lesser known legal doctrine which Mr. Fiorillo maintains should have had these cases summarily dismissed at the outset at the Superior Court level, and that is the doctrine of Ex Turpi Causa Non Oritur Actio, which holds that no action can arise from an

unlawful act. Since it should be obvious on the face, that these actions frivolously commenced against Nicholas Fiorillo all involve the collection of unlawful debt, the gavel of dismissal should have been swiftly lowered. For some inexplicable reason, despite tireless efforts by a pro se litigant to advocate for his Constitutional, civil rights to due process of law to be fairly heard, this has yet to happen.

This past November 9, 2022, in the Housing Court of Barnstable, MA, when questioned under oath by Mr. Fiorillo with regard to past due or delinquent payments on any loan obligation, Plaintiff Raymond C. Green admitted that there were *no past due or delinquent payments owed to him by Fiorillo*. In his words, he told Fiorillo that: “my arrangement with you, was when you sold the property or refinanced, I would be paid.” In addition to this admission, Plaintiff Green also admitted to the email sent to Fiorillo in early May of 2022, on the eve of the first unlawful foreclosure attempt on the Fiorillo family home, demanding that Fiorillo tender immediate payment in the amount of \$15,000 and also “pay off the Spitalnys,” if he wanted to keep his home.

This email is appended with other relevant communications as Exhibit C hereto, within which Mr. Green acknowledges his association with the Spitalnys, and as such, this is tacit admission to this Enterprise group’s inextricable pattern of unlawful predatory debt collection lawsuits, brought under the guise of six separate “debt collection actions,” with no common connection to one another.

The frivolous and fraudulent actions now before this court, rooted in alleged “agreements” bereft of good faith, fair dealing and good conscience, are the culmination of the RGPSQ racketeering enterprise’s conspiratorial efforts to wrestle control of Nicholas Fiorillo’s life, civil liberties, due process of law, privacy and property. There could never be a more apparent motive than sheer, unadulterated greed, to corrupt and destroy any hopes of litigant-defendants’ rights to due process of law, and equities free from political and judicial corruption and privacy.

**THE GOTSPACE DATA NEW ENGLAND DATA CORRIDOR DEVELOPMENT  
ECONOMIC IMPACT STATEMENT**

The GotSPACE Data Companies have positioned themselves as the Master Developers of almost 1,000 acres of land, spread across five data campuses and thirty data centers, consisting of close to six million square feet of digital infrastructure pipeline. When completed, this will become the future home to the many of the world's Fortune 500 companies' data and content providers' digital, AI and data storage needs. The Connecticut Data Tax Incentive Bill H6514, has set down the foundation for what is destined to become this nation's first truly planned, "hyper-scale digital infrastructure pipeline."

In as little as 5-7 years, the New England region could see the construction of numerous hyper-scale data centers, along with many thousands or more high paying, ancillary and IT jobs, which would benefit all of the states in New England as they become, as David Lehman, Connecticut's Economic Development Director believes, a \$750,000,000 billion dollar economic development hub, throughout the great states of New England.

GotSPACE's master development plan for the New England's Digital Infrastructure Pipeline, was envisioned to ensure that New England would continue to be the nation's most powerful alliance of states in the Union. As the world has always been dependent on New York's Finance, Banking and Investment Markets, Connecticut's Defense, Education and Insurance Industries, and Boston's Education, Innovation, AI and world-leading medical and pharmaceutical industries, GotSPACE's multi-year efforts and investments, which they have tirelessly pursued, have positioned them in a unique and extremely profitable position, to develop what could initially be, a \$24,000,000,000 billion dollar Digital Infrastructure Pipeline. Over the next ten years, this would propel New England to the forefront of the world's Trillion Dollar Data Race, and provide New England with their digital connectivity and data storage needs, for the next half century.

**THE RGPSQ HIERARCHY OF CONTROL AND COMMAND OF  
A LOAN SHARKING RACKETEERING ENTERPRISE**

The RGPSQ Plaintiffs in this instant action, Samuel B. Spitalny, Peter Spitalny and Stephen Quillinan, along with their attorneys McLaughlin, Brier and Peters, have been conspiring in “lock step” with the other RGPSQ members and their attorneys, Nesgos, Welnicki, Hellman, Green and Alva. All of these associates-in-fact take directives from Raymond Green and Peter Spitalny, the de facto “bosses” of this criminal group. RGPSQ members Brian Sheehan, Shawn Townsend, Thomas Quinn and George McLaughlin are closely related business professionals, who have been conspiring to financially ruin the Litigants, using each others - associate-in-fact attorneys, financial, commercial real estate loans and lending companies, who have conducted or participated and/or conspired to conduct or participate, directly or indirectly, in the conduct of certain enterprises’ affairs, through a pattern of exploited business relationships with Litigants Nicholas Fiorillo and a pattern of loan sharking, for the purpose of illicit personal financial gain.

The Loan-to-Own Enterprise schemes put together and led by Raymond C. Green and Peter Spitalny, Thomas Quinn followed a common pattern: (i) Mr. Fiorillo, seeking to finance a real estate investment, was promised a loan on terms that were more favorable than those actually presented at the loan closing; (ii) if he complained, he was threatened with the loss of funding for the loan, with the attendant risk of losing a deposit or being sued by a seller, and possible foreclosure of other properties financed with the plaintiffs; and (iii) repayment of the loans was virtually impossible, as the demand amounts provided by the plaintiffs, often significantly exceeded what was owed according to the loan documents, thereby creating loan-to-value ratios which prevented conventional refinancing.

Plaintiffs’ unlawful enterprise targeted at least 27 interstate commercial properties and 14 business entities sourced and acquired by Fiorillo and his Gotspace and Ocean Development entities, over the past five years and will stop at nothing to illegally loan to own all the assets of the Gotspace and Ocean Development Affiliate companies in violation of federal law.

## **THE RGPSQ POLITICAL CORRUPTION SCHEME OF THE MASSACHUSETTS JUDICIAL SYSTEM**

The RGPSQ Grand Corruption Scheme now perpetrated within the Secret Courts of Massachusetts, has been ongoing since the fall of 2021, when these enterprise members set out to unlawfully usurp and extort control of the Gotspace Data Partners' \$24,000,000,000 digital infrastructure development project, exponentially valuable entitlement rights, intellectual properties, trade secrets and controlling corporate stock, by any means possible.

The RGPSQ, and their judicial insiders, have completely destroyed any hopes this pro se litigant had of a "level" legal playing field upon which to defend the frivolous and fraudulent actions brought against him, as their corrupted political/judicial tentacles run north to south and east to west, all throughout the New England judicial system. The RGPSQ "bosses" Peter Spitalny, Raymond Green and Thomas Quinn, and their attorneys George McLaughlin, Kevin Peters, Michael Brier, Nicholas Nesgos, Mathew Welnikki and Jeffery Helman, have had their hooks deep in the oldest and many say, most corrupt court system in the United States. The Suffolk Superior Court Clerk's Office, the Boston Municipal Court Clerk's Office, the Barnstable County Clerk's Office and even the Boston Police Department Division 1, continue to use their corrupt "judicial powers," in their efforts to unlawfully violate Nicholas Fiorillo's civil liberties and due process of law and equity.

The RGPSQ members' unclean hands have been pushing forward the groups' "Grand Corruption Scheme" to derail the Gotspace Data Infrastructure Development, which has now been exposed. One cannot look away from the surnames of certain members of this criminal group's soldiers that are still in "power" and all too eager to move their sinister objectives forward, acting as though they have a license to legal "kill," and the rules do not apply to any of them. We must hold all responsible parties who have had a hand in this despicable judicial corruption scandal legal to task, and must fully investigate and prosecute any corrupt state,

municipal, judicial and political consultant “insiders” of the RGPSQ, to expose the last of the “gang that couldn’t shoot straight.”

Corrupt individuals, who clearly still have a stronghold on our Massachusetts Court System, and who continue to aid and abet the RGPSQ attorneys in their unlawful legal schemes, under a despicable ruse and slight of unclean hands, in what appears to be six unrelated, “legitimate” debt collection lawsuits, when the opposite holds true. Any man or woman of competent mind should see through the RGPSQ Enterprise’s grand corruption scheme, undertaken to “loan-to-own” this pro se litigant into financial ruin, and topple Gotspace Data’s development objectives in New England.

The RGPSQ members and their racketeering attorneys have perpetrated a “deep state,” highly sophisticated judicial and political racketeering scheme, rank with numerous frauds upon this court. In doing so, they have destroyed any hope that Nicholas Fiorillo and his companies would be granted a non-prejudicial, unbiased, fair legal process, in any Superior Court in Massachusetts, if not beyond, since the RGPSQ “powers” have infected all the courts in the land. Nicholas Fiorillo and his family are, in fact, victims of the “Boston Secret Court” system, and their old grand scheme of doing things, replete with political corruption and judicial disruption. The RGPSQ “political insiders” and the corruption they perpetuate have, without question, left Nicholas Fiorillo at the mercy of the unclean hands of a prejudicially biased legal system, that is incapable of availing basic civil rights and due process of law and equities, that every American is entitled to, free from corruption and/or politically-charged impurities.

**THE RGPSQ ATTORNEYS RACKETEERING CONSPIRACY TO VIOLATE  
NICHOLAS FIORILLO’S CIVIL RIGHTS TO DUE PROCESS AND PRIVACY AND  
COMMIT FRAUD UPON THE STATE’S JUDICIAL SYSTEM**

Section 1927 applies to all cases “in any court of the United States, including the courts of appeals.” State Indus. v. Mor-Flo Indus., 948 F.2d 1573 (Fed. Cir. 1991); Reliance Ins. Co. v. Sweeney Corp., 792 F.2d 1137, 1138 (D.C. Cir. 1986). While this statute is applicable to attorneys only, and not to clients, (Smith Int’l. Inc. v. Texas Commerce Bank, 844 F.2d 1193,

1197 (5th Cir. 1988); Zaldivar; Westmoreland v. CBS, Inc., 770 F.2d 1168, 1173 (D.C. Cir. 1985), liability as to attorneys and clients may be undertaken separately by the Court.

Examples of such fraudulent judicial conduct that warrant a dismissal of claims and actions in their entirety are as follows.

1. Wiretap
2. Attempted murder/manslaughter
3. Assault and battery
4. Filing of Fraudulent Lawsuits
5. Filing of Fraudulent Criminal Complaints
6. Conspiracy
7. Unlawful Debt Collection
8. Illegal foreclosure
9. Extortion
10. Extortion to collect Debts
11. Willful Participation in Racketeering Schemes

The nefarious pattern of the RGPSQ group's fraudulent filing of criminal complaints, bogus referrals to the Attorney General, and what is now six baseless, interrelated, vexatious legal actions, are little more than "garden variety fraud." The standard burden of proof for relief under the unclean hands doctrine, is one of probable causation, and, if need be, an evidentiary hearing is called, in order to flush out the impurities that have been committed against the court. More often than not, the mere allegation that an attorney and/or his clients were conspiring to file untruthful or unsubstantiated legal briefs, should trigger the properly low threshold, warranting dismissal of their claims.

Never before in the memory of this litigant has such an unlawful and "above the law" attack on our legal system been perpetrated by a criminal group in Massachusetts. It is "CRYSTAL CLEAR" that Mr. Fiorillo's civil rights have been violated, by multiple licensed



attorneys, judicial insiders and political hacks, and one can only imagine how much political and judicial corruption is still at large and tortiously manipulating everyday lives here in Massachusetts. The RGPSQ Enterprise members continue to share and distribute almost daily among them, unlawfully intercepted, confidential, attorney-client privileged communications, obtained through the RGPSQ's illegal wiretapping and electronic eavesdropping schemes.

All to give the RGPSQ an unlawful legal razors edge, to advance their criminal objectives to perpetrate a highly complex and sophisticated racketeering conspiracy, to gain control of Fiorillo's development companies, with profit potential into the billions. These individuals continue, even up to this day, to try to unlawfully prosecute and even incarcerate Nicholas Fiorillo, in order to force him aside and then "capitalize" on his business opportunities.

Through their systemic pattern of "criminal framing" and vexatious filing of fraudulent legal papers littered throughout the courts of Massachusetts, the RGPSQ Enterprise endeavors to complete their "grand frame-up scheme," depicting Fiorillo as a financial embezzler, fraudster, and "treacherous borrower" who was attempting to evade lenders, not pay his debts, and defy the Massachusetts Courts rules of civil procedure. The RGPSQ Enterprise and all of its members attorneys continued to proffer this *knowingly false narrative*, through a pattern of judicial paper hanging and unlawful prosecution of Nicholas Fiorillo, his family and his business associates in the Secret Courts of Boston. These individuals have committed unlawful and outrageous frauds upon the courts, in their relentless attempts to financially ruin, unlawfully incarcerate, and even kill Nicholas Fiorillo, to prevent him from leading GotSPACE Data's Development efforts, which is without question or plausible doubt, the end objective of the RGPSQ Enterprise, with regard to this instant action, and the related actions against Mr. Fiorillo, GotSPACE, et al, before this Court.

All of the members of this criminal group have committed numerous instances of fraud on this court, unlawful violations under 18 U.S.C. § 1961-1968 et seq. This by way of their predatory debt collection schemes, using extortion, loan sharking, equity stripping, wiretapping, political and judicial corruption and interference with interstate commerce by threats or violence,

threats of financial loss in their attempts to collect unlawful debts. These individual Plaintiffs, associates-in-fact, formed a criminal group of hard money lenders, aka “loan sharks,” and attorneys and political “insiders,” and have acted in concert, by participating in a RICO predatory debt collection conspiracy. The RGPSQ Enterprise has purported a massive fraud, by filing bogus lawsuits to collect “debts” into the tens of millions of dollars, money which *is not due or owing to them*, and obligations which *were not in default*, as there were *never any interest payments past due or payable*.

**THE RGPSQ CRIMINAL OBJECTIVES AND MODUS OPERANDI TO DERAIL  
THE DEVELOPMENT OF THE NEW ENGLAND DATA CORRIDOR**

The RGPSQ Enterprise’s modus operandi (M.O.), is to unlawfully gain control by way of extortion and loan sharking, GotSPACE’s real estate, intellectual property, and corporate stock interests in GotSPACE Data Partners and affiliates, and expropriate Fiorillo’s rights to the \$24,000,000,000, GotSPACE Data Digital Infrastructure project. On September 8, 2021, RGPSQ member Brian Sheehan articulated and relayed to Fiorillo, direct threats from Peter Spitalny Raymond Green, Shawn Townsend and Thomas Quinn: If their demands were not met and they did not get 90% of the stock valued at \$100,000,000 and control of GotSPACE Data, Mr. Sheehan laid out exactly what the RGPSQ Enterprise would do, to physically harm, financially ruin and unlawfully “frame” Fiorillo to send him to jail. Sheehan went on to threaten/forewarn that the RGPSQ attorneys would soon begin to file a series of bogus debt collection lawsuits, and use their political and judicial contacts to also initiate multiple, false, criminal complaints, unless Fiorillo gave in to these demands.

Sheehan stated “give them what they want, to get them to put their guns down.” (In a Sept. 8th call excerpt to be produced at an evidentiary hearing.) When Fiorillo did not relent and turn over what was demanded of him, the RGPSQ Enterprise commenced their vexatious legal attacks, immediately enlisting their politically/judicially controlled court clerks and judicial operatives. They used their political corrupt “judicial powers.” to upend the civil liberties and

rights to due process of law of Nicholas Fiorillo, his associates and the GotSPACE Development Corporate Affiliates.

The allegations against the Plaintiff in this instant action are so alarming, and the conduct of the parties charged such that the conscience would be shocked. Raymond C. Green has been in violation of Court Order, requiring all auction proceeds, now some \$7,800,000 in cash, be paid into Court. Mr. Green has failed to provide proof of these funds, and has not paid this full amount, or even close to it, into escrow. The actions of these criminal Enterprise members and their nefarious attorneys, active and willing racketeers of the Enterprise, have been identified under federal law. See: Feld Entertainment Inc. v. American Society for the Prevention of Cruelty to Animals, 873 F. Supp. 2d 288, n 7, (D.D.C. 2012).

In light of the totality of the criminal actions perpetrated by the RGPSQ Enterprise and their attorneys, in this instant unlawful action and all related actions involved in their predatory debt collection schemes, this court must immediately dismiss and enter final judgments, with prejudice, against these plaintiffs and the plaintiffs in the related cases against Fiorillo, in order to uphold Supreme Justice. It is imperative for the court to send a clear message that as Americans, we will not stand for such a corrupt "Grand Scheme" attack on the legal process and courts anywhere in this great Country.

Nicholas Fiorillo will not allow the criminal injustices perpetrated against himself, his family, his home, his businesses, real estate and business associates go on as "business as usual, at the SSC and BMC." Nor will he allow all that he and his associates have worked so hard for, to be stolen by RGPSQ "bosses" Green, Spitalny and Quinn, their Enterprise members and so-called attorneys. We cannot stand for such fraud upon our courts, and cheats and scoundrels, including the ones known in the "Secrete Courts of Boston," must be held accountable and swiftly served with justice.

We, as American citizens, regardless of color, creed or faith, must always be able to rely on the United States legal system, as the strongest pillar of our rights to free speech, fair and

equitable due process, and a “fair and reasonable” court system, free from political corruption and criminal activity. The RGPSQ Enterprise has now been exposed for its’ legal games, rooted in a conspiracy of unlawful, predatory collection of debts, in the now six (6) completely intertwined, vicious, and unsuccessful attempts to “game the legal system.” These vexatiously instigated actions to collect clearly unlawful debts and perpetrate outright fraud upon this Court, must be put to an end. The court must order the RGPSQ Enterprise to cease and desist their unlawful attack on our judicial system, and refer these findings to the United States Attorney in the District of Massachusetts, for this Enterprise’s unlawful acts of judicial treason upon our courts, and against Nicholas Fiorillo, Gotspace Data, Ocean Development and his affiliated corporations.

Nicholas Fiorillo submits this instant motion with memorandum in support of the same, bolstered by overwhelming, irrefutable evidence, investigative professional expert findings and opinions, supporting corporate emergency actions, and supportive witness statements and affidavits, in order to help prove beyond any reasonable doubt, the unlawful injustices that have taken place in the courts of the great state of Massachusetts. Within the past few weeks, extensive, illegal wiretapping evidence have been uncovered, that was all part of the evil plan of the RGPSQ Enterprise, to “loan-to-own” all of this Litigant's property and businesses, and unlawfully extort his money, by any means they found to be necessary. The RGPSQ Enterprise’s attempts to “jerry rig” the legal system, to usurp this pro se litigant’s civil rights away from him and extinguish any hope of an unbiased and equitable “fair process of law,” are politically corrupt and have eroded confidence in our legal system beyond repair. ( see exhibits )

**THE RGPSQ ENTERPRISES UNLAWFUL ELECTRONIC EAVESDROPPING  
AND WIRETAPPING SCHEME**

All of the RGPSQ Plaintiffs, Peter Spitalny, Samuel Spitalny, Jake Spitalny, Stephen Quillinan, Raymond Green, Joan Green and Enterprise member attorneys Kevin Peters, George McLaughlin, Nicholas Nesgos, Mathew Welnicki, Anthony Alva, Jeffery Hellman, and others,

have been willful participants in this unlawful racketeering scheme. They are collectively responsible for well over a year of illegal, electronic eavesdropping and wiretapping, set up in order to unlawfully obtain, share and circulate amongst this entire group, confidential information, which was then tactically manipulated to “spin” a horribly false narrative, that this litigant is a “fraudster” and an “embezzler,” who has somehow duped a group of criminals, who, between them have collectively invested slightly over \$6,000,000 with Fiorillo, under loan agreements where not in default, nor were any payments past due, at the time they sought collection.

The legal actions by the RGPSQ Enterprise are all tainted by the unlawful interception of Fiorillo’s communications, and made part of over 120 fraudulent, conspiratorial legal motions, writs of attachments, TRO’s, and contempt motions, in furtherance of the RGPSQ Enterprise’s numerous unlawful debt collection actions, now before this court. All told, this group has demanded upwards of \$100,000,000 in cash, stock and real estate from Fiorillo and his Gotspace and Ocean entities, under threats that Nicholas Fiorillo would be faced with physical harm, jail, and bankruptcy, as a result of the unclean hands of their criminal group. (See Harwich PD communications and U.S. Attorney Bradford Communications)

If Fiorillo did not succumb to the RGPSQ Enterprise’s unlawful demands to turn over his property including his family home, and refrain from pursuit of his civil liberties and due process of law, to address his accusers and defend his rights and seek such counterclaims and relief afforded to him under the United States Justice System, Plaintiffs made threats against not only his prosperity, but life and limb. Fiorillo never stood a chance in the Suffolk Superior Court, or any lower court for that matter, as the RGPSQ Enterprise attorneys were using illegally obtained attorney-client confidential communications used to “game the legal system,” before the Fiorillo even had a chance to legally defend and protect himself.

The RGPSQ Enterprise Plaintiffs and their attorneys’ conspiracy to “cheat the legal game,” has conspired to use their ill-gotten “forbidden fruit from the poisonous tree,” over

600,000,000 megabytes of confidential data, recorded calls, legal documents, and intellectual property of Fiorillo's, which was stolen through the highly sophisticated, unlawful "wiretapping" and intercepting of confidential electronic information, which has been used in their interrelated, predatory debt collection lawsuits now all in front of this court. All by design, to give the RGPSQ members and their racketeering attorneys a sinister and jagged "legal razor's edge," which they have used to shred the sacred cloth of this high Court, leaving pro se litigants helpless. The embezzlement of privileged, confidential, attorney-client information, intellectual property trade secrets and Fiorillo's legal strategies, were fashioned to completely devastate any hope of the Litigant, of ever receiving, in accordance with his absolute civil liberties, his rights to fair and equitable due process, and rights to a fair trial by jury, in the lower courts of Massachusetts.

This criminal pattern of illegal electronic eavesdropping, wiretapping, data breaches and illegal interceptions of communications, used to Fiorillo detriment, was at the core of the RGPSQ Enterprise's nexus of unlawful debt collection actions. These unequivocal illegalities further serve to support the immediate dismissal and disposal of the plaintiff's claims, with prejudice and without trial, the award of attorneys' fees and court costs to Fiorillo, and a sanction against Plaintiffs for monetary damages equal to three times the amount of the Plaintiff's predatory "note," of \$9,650,000. This Court must also hold the RGPSQ attorneys personally liable, under the law, to reimburse Mr. Fiorillo the aggregate \$100,000,000 in legal fees and other direct and proximate costs and expenses, which he, Gotspace Data and Ocean Development have incurred, the direct result of the RGPSQ Enterprise's "Grand Scheme," to judicially derail the development of Gotspace Data's expansion, into the New England Data Corridor.

As for the so-called attorneys who chose to undertake a despicable "legal gaming" of the Suffolk, BMC, Bankruptcy and District Courts of Massachusetts as well as the Connecticut courts, Nicholas Fiorillo prays that this Court award any other relief they deem necessary and

just, as called for in the civil penalty awards afforded to litigants, who seek protections under Racketeer Influenced and Corrupt Organizations ("RICO") Act (18 U.S.C. § 1961-1968 et seq, 1962 (c), (d)et seq.)and (18 U.S.C. 1958(a)(b)(c)), 18 U.S. Code § 1951 - Electronic Communications Privacy Act of 1986 ("ECPA") or the "Wiretapping Act."

**THE RGPSQ ENTERPRISE GOTSPACE/ OCEAN UNLAWFUL  
LOAN TO OWN DEBT COLLECTION SCHEME**

In January of 2021, Fiorillo founded GotSPACE Data, and set out to create a massive digital infrastructure opportunity in New England, based in the State of Connecticut. Fiorillo has invested upwards of \$2,000,000 of his own capital investment, for the benefit of his legitimate company stakeholders. In the Summer of 2021, RGPSQ Enterprise boss Thomas Quinn usurped \$1M "development fees," a payment upfront, in return for what he represented was his real estate broker, development and consultation services, for the data centers needed to bring GotSPACE Data's Master Development plan forward in the state of Connecticut, in conjunction with the Connecticut Data Tax Incentive Bill.

After a collaborative, accredited type investment request for start-up funding was proposed to select RGPSQ members for \$12.5 million dollars, the Spitalnys purported that their company, Stein Fibers, would be the primary source of capital investment for the GotSPACE data opportunity. From the outset of this collective funding commitment, the Spitalnys set out to "bait and switch" Fiorillo, in order to get him to give up equity and corporate control in the GotSPACE companies, through a sophisticated, "under-funded" loan-to-own scheme. Premised upon a loan promise of \$12.5 million they never had any intention of funding, the Spitalnys used Stein Fibers, as the "bait," to lure Fiorillo and GotSPACE into thinking that they had the financial wherewithal and readily available capital, to invest in the data project.

Terms were then "switched" at the last minute, and Fiorillo was coerced into executing a notes and a promissory agreements in favor of S & Q Data, a "shell company" operated by Jake and Samuel Spitalny and Stephen Quillinan, that was used as a "fence" for Peter Spitalny to

launder money into the GotSPACE Data investment and left Fiorillo in a “short position” by design of the RGPSQ and he was forced to seek a predatory \$3M credit line from hard money lender Raymond Green. Since the Spitalnys never had the available capital they committed to invest with GotSPACE, and they never intended to honor the loan terms and funding requirements, funds originally represented as a capital investment by Stein Fibers ended up being “pulled down” from the Company’s credit line, resulting in the shortfall.

Enterprise head Peter Spitalny, who has now been discovered to have previously been convicted for tax evasion and money laundering, was barred from investing in any GotSPACE Development corporations, as all GotSPACE and affiliated companies were formed under the 1933 SEC Securities and Exchange corporate governance regulations. (see: Documentation by Exhibit of the criminal conviction of P. Spitalny) Nicholas Fiorillo, in his corporate capacity on behalf of GotSPACE Affiliates, relied to his detriment on the collective promises and reassurances from RGPSQ Enterprise associate and former loan broker Brian Sheehan, and Sheehan’s associate Shawn Townsend, of Blue Vista Capital Lending. Townsend and Sheehan misrepresented their ability to Fiorillo, to broker upwards of the \$220 million required, for the development of GotSPACE’s first Data Center, all part of the RGPSQ Enterprise’s plan to “loan-to-own” Fiorillo’s personal and business assets. The representations of financing were conditioned upon Fiorillo turning over 10% in Founder level equity, and awarding both Sheehan and Townsend a Board seat, since Townsend and Sheehan knew that GotSPACE Data would soon need to acquire the data campus sites it was pursuing.

This pattern of “gas lighting” future promises of credit and capital by the RGPSQ group, conditioned upon the granting by Fiorillo of more stock in the GotSPACE company(ies) and as much as a 1500% return on short term “loans,” often on the eve of some financial disaster that the RGPSQ Enterprise perpetrated over a two year period, was a designed to “loan-to-own” all of the Fiorillo’s property, homes, and data center development rights.



Mr. Fiorillo caused his Gotspace and Ocean Development affiliates to execute loan documents in favor of lenders S & Q Data a/k/a Peter, Jacob and Samuel Spitalny and Stephen Quillinan, for \$5.165 million. The full amount of which was promised but never delivered, on the condition that these “lenders” would fund the balance of the \$12.5 million originally pledged by the Spitalnys and required by the Gotspace, over the course of the following 45-60 days. S&Q Data agreed that the second note would carry a 24 month term, and that an additional \$3.35M-\$4.35M would be advanced, to release Nicholas Fiorillo’s personal guarantee(s) and repay to him his out-of-pocket investment, which has now reached over \$2M, as of November of 2022.

In the early summer of 2021, a few months after the initial advance by the Spitalny’s from what Fiorillo learned was the Stein Fibers credit line, it became clear to Fiorillo that this was all the capital that would be coming from Spitalny’s end, unless and until he gave over even more stock, or predatory returns, on the initial loan(s). The Spitalnys, Townsend and Sheehan were well aware that loan shark Raymond C. Green had prematurely called due, considerable amounts of money he had advanced to Fiorillo’s Ocean Development Precinct 1, to cover the “loan-to-own by design” shortfall, after the Spitalny's failed to fully fund the \$12.5M they had committed to.

By this time, Fiorillo realized that this was all by design, and all part of this loan-to-own Enterprise’s collective efforts to gain control of his companies. As if “on cue” and perfectly timed, Raymond C. Green, Peter Spitalny, Shawn Townsend and Brian Sheehan threatened Fiorillo with multiple foreclosures, including his personal home and other real estate holdings, and the group was demanding \$3,000,000 in predatory fees and interest, which wasn’t owed. Messrs. Green, Spitalny and another Enterprise associate, Stuart Bornstein, had joined forces to demand 100% control of the extremely valuable data land contracts, as well as a collateral interest in the Gotspace Self-storage assets. Just as the State of Connecticut had passed the most aggressive Data Tax Incentives Development Bill, in the history of the United States.

**THE RGPSQ UNLAWFUL FORECLOSURE AND EXTORTION SCHEMES TO GAIN CONTROL OF GOTSPACE DATA AND AFFILIATE DEVELOPMENT COMPANIES AND OBSTRUCT JUSTICE**

In early August of 2021, in order to appease Raymond Green's extortionate foreclosure demands on the Gotspace development projects and prevent the loss of the Fiorillo family home, Green's extortionate threats forced Fiorillo into a position of having to renegotiate the Enterprise loans, in order to stop the foreclosure of the both his home and the Ocean and Gotspace assets. When Raymond Green first threatened to foreclose on Plaintiff's non-delinquent loans, he demanded that a \$500,000 payment be made within 24 hours, or he would force the Plaintiffs into financial ruin. Left with no other choice but to face foreclosure by Raymond C. Green and have Gotspace go financially bankrupt from lack of funding, Fiorillo was backed into a corner by the other members of the RGPSQ with the brokers Townsend and Sheehan promising future "take out loans", Fiorillo executed the second note under extreme financial duress.

Threatened with the loss of his family home and the entire Gotspace Data Equity fund collapsing, Fiorillo executed a \$9.65M note, and surrendered more equity and profit share to the Litigants, after "accepting an offer he couldn't refuse." All these schemes were artfully perpetrated by this group, as they had been "electronic eavesdropping" on him since at least the mid-winter of 2020.

Gotspace Data never received the balance of the original \$12.5 million dollar investment pledged by the Spitalnys, including the balance of the 2<sup>nd</sup> note of \$9.65 millions dollars which was never funded at the initial closing in February of 2021. At this point, not only had Gotspace Data Equity Fund not received the balance of \$9.65M which should have funded immediately upon execution of the second note, Raymond C Green, the Spitalnys, Shawn Townsend, Brian Sheehan, Thomas Quinn, and their affiliated lawyers and lending companies, banded together and conspired to financially ruin Nicholas Fiorillo, his Gotspace Affiliates, Ocean Affiliates, and W-Lofts, and set up NE Edge , LLC as "shill corporation" with attorney George Mclaghalin and Thomas Quinn as the managers.

**THE RGPSQ NE EDGE DATA DEVELOPMENT SCHEME AND  
GAS LIGHTING OF THE TOWNS OF WALLINGFORD, GRISWOLD,  
GROTON, BOZRAH AND NORWICH CONNECTICUT**

The RGSQ Enterprise has set out to strip all the Gotspace development rights away, by tortiously interfering with the sellers of the data land in Connecticut, and misrepresented their interests, to numerous government agencies, elected officials and townspeople. The NE Edge Corporation, a “legitimate” data development Company created to front the RGSQ Enterprise, now has uncontested contracts of land, free of past, present and future legal claims and suits. All of the legitimate members of NE Edge, are individuals who had no knowledge of, and were free from any controversies and claims on intellectual properties or the like, involved with some of the other principals of NE Edge, some employees, investors, and sub-contractors. This criminal group is mere days away from executing a \$1,000,000,000 community host development agreement with the Town of Bozrah Connecticut, which has been signed “under the pains and penalties of perjury.”

NE Edge and its managers George McLaughlin and Thomas Quinn, claim to be free from these allegations, as well as the claims of unlawful predatory debt collection, common law fraud, embezzlement, threats to kill, money laundering, and the usurping of the 157 acre site located at 123 Farms Road, Bozarah, CT, which they claim is not in any way shape or form related to the now six predatory collection actions, and is free from any past present or future corporate misdeeds or financial crimes, as detailed in this instant motion.

Only a partial listing of the over 147 acts of Racketeering and unlawful debt collection activities, have been raised to this day by this litigant. Nicholas Fiorillo can assure this honorable Court, that this is the just the mere tip of the RGSQ Enterprise’s rusty dagger of corruption and greed, and that Fiorillo is certain that the United States Attorneys in three states, will see that justice is delivered to all of the guilty parties. Over a matter of years, and by and through a systemic pattern of predatory extensions of credit, predatory lending, loan sharking and extortion to obtain as much as 1000% usurious interest, stock, shares, real estate and capital, the RGPSQ

Enterprise perpetrated unlawful debt collection, conversions, money laundering and extortionist extensions of credit, against Fiorillo and one or more of the his affiliate development companies. In a series of highly sophisticated, complex, fraudulently-purported loan sharking lending /investment schemes, the Enterprise set out to “loan-to-own” and “bait and switch,” in order to usurp the GotSPACE and Ocean assets, real estate and digital infrastructure development business(s) and future development profits.

The Plaintiffs in this action are active and willful participants in the RGSQ Racketeering Enterprise’s series of “loan to own” schemes and unlawful debt collection actions, done with deliberacy and malice, and orchestrated to deprive certain financial interests of Nicholas Fiorillo. This, by an assertion of unlawful and predatory collection activities, designed to usurp his bonafide ownership in real estate, digital infrastructure entitlement and development rights, and prior equitable monetary investment, which constitute criminal acts. Fiorillo conducts his development business in the states of Connecticut, Massachusetts, New Hampshire and Rhode Island, as well as in other states, and the RGSQ Plaintiffs reside in Georgia, New York, Ohio, Rhode Island, Connecticut and Massachusetts, as well as abroad.

The RGSQ Enterprise, as a criminal group, are attempting to foreclose on the Fiorillo’s businesses, real estate, development rights, entitlements and intellectual property, they have invested in substantially, and have worked diligently to obtain, from the State of Connecticut and certain local towns therein. GotSPACE Data has received valuable municipal community host agreements, to construct data centers, pursuant to the Company’s rights to land purchase contracts. The RGSQ, members’ constant and relentless predatory collection activities, have obstructed the Fiorillo and GotSPACE’s ability to develop their valuable rights and title to their data campus sites, and receive specific state and local data tax incentive benefits. These are critical to GotSPACE’s project labor agreement commitments with the State’s various labor and construction unions, for the development of GotSPACE Data’s Digital Infrastructure Master Plan of New England.

It is irrefutable that this unlawful group of individuals, a.k.a. the RGPSQ Enterprise, and now NE Edge, LLC. are “wolves in a loan shark’s skin” and its ringleaders, Raymond Green, Peter Spitalny, Thomas Quinn and George McLaughlin and Nicholas Nesgos, along with their co-conspirators, the other RGPSQ attorneys, are without question, a criminal “Enterprise,” with a tactical understanding amongst its members, who continue to unlawfully manipulate the judicial system and its processes as detailed herein, to financially decimate and bankrupt Fiorillo, and his Gotspace and Ocean Development Companies.

Fiorillo’s intellectual and development property rights to acquire and develop the data opportunity does not extend indefinitely, as community host agreements as well as the State of Connecticut’s Data Tax Incentive, are limited in time. The forward path to develop the Gotspace New England Data Corridor, has been decimated by the direct actions of the RGPSQ Plaintiffs, intended to cheat Fiorillo and Gotspace out of their rights to fair and equitable due process of law. This criminal Enterprise’s despicable, unlawful behavior, their incessant tortious interference and gaming of the legal system, and political and judicial corruption schemes, coupled with the now blatant and equally tortious interference and outright lies which have been spun to the Bozrah local municipalities, to induce them into a community host agreement under false pretenses, has unlawfully blocked Gotspace’s forward path, to develop data infrastructure.

The Spitalny Plaintiffs’ conspiring within the RGPSQ’s predatory, loan-to-own financing schemes, breach of loan agreements and inter-credit capital agreement breaches with the Litigants, have continued to cost substantial, quantifiable financial damages, well into the hundreds of millions of dollars. The RGPSQ Enterprise’s “loan-to-lawyer-to-own” RICO schemes and political grand corruption efforts, have cost Fiorillo and Gotspace, greatly. The Enterprise’s sinister unlawful debt collection, illegal electronic eavesdropping and unlawful gaming of the legal system, ongoing since the at least early winter of 2021, has the underpinnings of political and judicial corruption, and unlawful, multi-faceted, deep three state conspiracy, against the Gotspace Data Development.

The RGPSQ Plaintiffs, by way of their willful “funding” delays, unlawful debt collection actions, and now political and judicial corruptions schemes, have tortiously prevented the beginning influx of what could be well over 3,000 construction, and upwards of 5,000 additional high paying permanent ancillary and direct jobs for the State of Connecticut and New England. The RGPSQ Plaintiffs are out to take control away from the founder of Gotspace Data by any means possible. Including the unlawful prosecution of debt collections, deep state judicial and political corruption schemes, unlawful wiretapping and interception of attorney-client communications, all in violation of Racketeer Influenced and Corrupt Organizations (“RICO”) Act (18 U.S.C. § 1961-1968 et seq. and (18 U.S.C. 1958(a)(b)(c)), 18 U.S.C. Hobbs Act § 1951 et seq. - Interference with commerce by threats or violence, “Dodd-Frank Wall Street Reform Act 28 (12 U.S.C. 1831 e) and violations of the Electronic Communications Privacy Act of 1986 (“ECPA”) or the “Wiretapping Act,” U.S. Code § 1951 - Interference with commerce by threats or violence, in addition to numerous federal law claims of breach of loan, investment, and unlawful obstructions of justice in an official proceeding.

**NICHOLAS FIORILLO’S OMNIBUS DEMAND FOR RELIEF AND REFERRAL TO THE UNITED STATES ATTORNEY FOR PROTECTION AND PROSECUTION OF THE RGPSQ RACKETEERING ENTERPRISE**

Nicholas Fiorillo now seeks relief from the court, in order to maintain the status quo and avoid further harm, by way of an immediate dismissal with prejudice of this instant action, and any other relief the court deems fit, including but not limited to injunctions, specific performance, and writ of attachments, on all of the assets, money, business and land of the Spitalny Plaintiffs and Stein Fibers Ltd, and all the individual members of the RGPSQ. Mr. Fiorillo asks this court to hold hearings on motions and to reach and apply to any and all operating business banking accounts, personal accounts, and other properties, owned by and through all Plaintiffs, pursuant to making restitution to him.

As to specifics, some or all of the Plaintiffs within the RGPSQ Enterprise, did knowingly

conspire to obstruct justice, derail Fiorillo's rights to due process of law, as the RGPSQ Plaintiffs set out to defraud, usurp, tortiously interfere with and extort monies and property from, pro se litigant Fiorillo, Gotspace Development et al, Ocean Development et al, W-Lofts Development LLC, BSI 254 Westfield St LLC, and others. Some, if not all of the RGPSQ Plaintiffs in related cases, are guilty of fraudulent and unlawful crimes, and have engaged in both actionable civil and criminal conduct against Fiorillo, his family and his businesses, which are only partially detailed and plead in this instant motion, and may or may not be referenced this instant action.

The Spitalny and Green Plaintiffs , through their "investment lending" business dealings with Fiorillo and one or more of his business interests, ultimately made fraudulent claims in relation to the purchase of the following land and real estate businesses: Gotspace Data, Ocean Development Precinct 1 et al; Ocean Development et al; W-Lofts Development LLC and; BSI 254 Westfield St. LLC, et al. The RGPSQ Enterprise has defrauded Fiorillo and his Gotspace and Ocean entities, by fraudulently deceiving them into forfeiting rights and claims to preferred stock, and equities of these companies, as well as investments, bonafide equitable ownership, and future development rights, to Gotspace Data et al, Ocean Development et al, Gotspace Development et al, W-Lofts Development LLC, and BSI 254 Westfield St. LLC, et al..

All of this was put into motion by way of an exchange for a promise by the RGPSQ Plaintiffs to Nicholas Fiorillo, of access to the necessary capital required to complete Gotspace's land acquisition and future development objectives. Under a "smoke and mirrors" joint venture partnership with Fiorillo, additional fraudulent schemes were systematically "presented" to the Gotspace and Ocean Companies. After a critical, so-called "partnership" formation ultimately turned out to be a "set up," Plaintiffs and the other members of the RGPSQ Enterprise continued to offer promises of "future" capital to Fiorillo, always with a quid pro quo demand for additional stock, in his development companies and real estate holdings, as well as cash which was otherwise not due or owing to them.

The Spiltany Plaintiffs and their other members of the RGPSQ group, never had any intent of honoring their representations to meet capital investment requirements. Yet the partnership continued on, with bad-faith negotiations of multiple misrepresented loan agreements and fraudulent extension agreements, which Fiorillo was always presented with at "the last minute," timed on the eve of foreclosure(s), default notice(s), and brink of financial ruin. Litigants Nicholas Fiorillo and his family were always under extreme financial duress, fearful of being financially ruined and on multiple occasions. They have been unlawfully threatened with being prosecuted for "crimes" they did not commit, and threatened with physical harm and even death.

By virtue of these predicate Racketeering Acts, both the Plaintiffs and the RGPSQ Enterprise attorneys have committed federal crimes, cheated the legal system, and committed acts of gross political and judicial corruption, and they continue their outright fraudulent schemes upon this court. In reality, the RGPSQ attorneys and Enterprise members knowingly perpetrated a nexus of deceptive debt collection actions and filed fraudulent legal papers, all a way of "cheating and scheming" Nicholas Fiorillo out of his civil rights to a fair and equitable legal process. This includes the extortion of settlement demands, the release of counter claims and demand for "repayment" of almost \$100,000,000, some \$94,000,000 more than the RGPSQ lenders, convicted felons and con-men, originally claimed to be due or owing to them. The RGPSQ Plaintiffs still seek as much as a 1500% "return," including demand for stock, real estate and cash that they are not entitled to.

This Enterprise routinely obstructs justice, engages in wiretaps, witness intimidation and unlawful collection extortionist extensions of credit. "The RGSQ Racketeering Enterprise" continues to commit numerous violations of the Racketeer Influenced and Corrupt Organizations ("RICO") Act (18 U.S.C. §1961, 1962 (c)(d), et seq.) and (18 U.S.C. 1958(a)(b)(c)), 18 U.S.C. §1964 (s), 18 U.S. Code § 1951, including but not limited to interference with commerce by threats or violence, in addition to a multitude of federal law claims, for breach of loan,



investment, and has perpetrated an attack on our judicial system to the detriment of Nicholas Fiorillo and his family and affiliated Gotspace and Ocean development companies and close Associates.

**THE RGPSQ ATTORNEYS UNLAWFUL VIOLATIONS OF ATTORNEY CLIENT PRIVILEGE AND WILLFUL AND APPARENT FAILURE TO RECUSE**

Enterprise attorneys Mclaughlin, Peters, Brier, Nesgos, Welnicki, Hellman, Alva and others, have all been negotiating on behalf of and advising the RGSPQ Plaintiffs, throughout the concerted Enterprise conspiracy to sell out assets, including the \$45,000,000 sale of the Gotspace Self-Storage Assets, from underneath the Gotspace entities and Nicholas Fiorillo. Mclaughlin, Peters, Brier, Nesgos and Welnicki continue to advocate for their own personal interest in Fiorillo's assets, by way of the collection of "recovery fee" agreements, and in Mclaughlin's instance, the \$250,000,000 Shoppes at Swansea Redevelopment project, that Fiorillo was the lead developer on. All in direct conflict with the reach and apply litigants, Ocean Investment Holdings, also victims of the RGPSQ Enterprise. It is beyond clear that these Enterprise associates do not intend upon stopping, until they have either "loaned to own" most, if not all of Fiorillo's assets, or the Federal Authorities finally step in, and put a stop to their criminal activity.

The evidence appended hereto as "Exhibits," unequally demonstrates that Plaintiff Samuel B. Spitalny and other members of the RGPSQ Enterprise, are all part of "a continuing conspiracy among highly organized and disciplined criminal groups to engage in supplying illegal [goods and] services." This keenly succinct characterization, taken directly from the preamble written in Massachusetts, describes *organized crime*, also known in this instant action, as the RGPSQ Racketeering Enterprise.

**THE RGPSQ ATTORNEYS SYSTEMIC FRAUD ON THE COURTS AND  
VIOLATIONS OF NICHOLAS FIORILLO'S CIVIL RIGHTS TO DUE PROCESS AND  
PRIVACY AND ILLEGAL SHARING OF ATTORNEY-CLIENT WORK PRODUCT  
AND COMMUNICATIONS**

Only an organized group of criminals, and like-minded racketeering attorneys, would openly engage in conduct such as unlawful wiretapping, extortion by false report of a crime, usury and criminal harassment. The extensive and conclusive wiretapping evidence set forth by exhibit is only the tip of the iceberg, to underscore the rampant, ongoing conspiracy that Plaintiffs in this instant action, their attorneys, and the plaintiffs in the related actions before this court, and their attorneys, have been perpetrating to the detriment of pro se litigant Nicholas Fiorillo, and his affiliate development companies. Such unlawful conduct by the RGPSQ Enterprise clearly constitutes Fraud on the Court, forming the basis under the Unclean Hands Doctrine, for dismissal of this instant action, with prejudice.

The basic standards governing fraud on the court are reasonably straightforward. As set forth in *Cox v. Burke*, 706 So. 2d 43, 47 (Fla. 5th DCA 1998): The requisite 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 of fact or unfairly hampering the presentation of the opposing party’s claim or defense.” *Aoude v. Mobil Oil Corp.*, 892 F.2d 1115, 1118 (1st Cir. 1989).

With regard to the instant action and the related cases against Mr. Fiorillo before this Court, the four step process, which requires an examination of the following, has been met: (1) the offending party and his duties, (2) the conduct at issue and its effect on the judicial machinery, (3) the victim’s status during the underlying litigation—i.e., whether the harmed party was in a position to recognize and combat the fraud at issue prejudgment—and (4) the relief sought. It is also widely accepted by the courts that advancing falsehoods during the discovery process is a form of fraud on the court. Courts have equitable power to consider an

action which seeks a judgment of dismissal, based upon fraud during the discovery process, or, as in the matters involving this pro se litigant, the extent to which he was permitted discovery, with one-sided discovery against him possibly being the biggest abusive discovery practice of them all.

Discovery abuse also includes trickery, harassment, threats, and interference with depositions, and as set forth in the criminal charges against Plaintiff in this action and in the others, as well as counsel, harassment, threats and interference were par for the course. Conduct such as continually badgering a party to produce information that had already been provided, and threatening the opposing party and even his wife with “criminal penalties” if the party failed to comply has resulted in attorneys being sanctioned and protective orders issued. Take that brand of “City on the Hill” lawyering, and couple it with dishonest and corrupt behavior by an officer of the court, coupled with illegal intercepted “wire tapped” confidential and protected “attorney-client” privilege communication, which have systematically been used to derail this litigants civil right to fair and equitable due process of law and equities and the strongest of arguments can be made that a heinous and despicable ongoing and continuing fraud on the Massachusetts courts and the United States Judicial System, has been perpetrated by the RGPSQ Enterprise Members, and their racketeering attorneys.

One of the most harmful forms, if not the most harmful form of discovery abuse, happens when attorney deceit is uncovered. Here, there are over ten so-called attorneys, who have conspired for over a year now, to upend this pro se litigant’s civil rights to a fair judicial process. While it is not up for debate that “the discovery system is designed to facilitate truth-finding,” deception during discovery is all too common in the courts. No public secret by any means, is the open and apparent corruption obviously still alive and festering in the BMC and SSC, better known as the “Secrete Courts of Boston.”

In this instant action, it is the sharing of illegally obtained attorney-client information, gathered via the RGPSQ Enterprise’s unlawful wiretapping and interception of privileged

communication between Fiorillo and his attorneys, which not only rises to deception during discovery, but violates the civil rights of Mr. Fiorillo, and leaves a stain on this state's and this great Nation's judicial systems. The Commonwealth of Massachusetts is where our country's judicial system was founded, and it shall be where the courts of the United States of America, deliver swift justice to punish those who, for far too long, have corrupted the Massachusetts judicial system, and embarrassed our great nation.

The Electronic Communications Privacy Act of 1986 ("ECPA") or the "Wiretapping Act," provides for criminal and civil penalties against any individual who "intentionally discloses ... to any other person the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the interception of [such a] communication." All of these plaintiffs and their counsel have intentionally disclosed and shared the contents of telephonic wire and/or electronic communications, with full knowledge that the information shared was obtained through the unlawful interception of Mr. Fiorillo's private communications.

The conduct at issue enumerated in the criminal charges pending against the Plaintiffs and counsel, and the effect they have on the judicial machinery, goes without saying. It was only when Fiorillo was able to obtain the requisite evidence needed to have charges sworn out in the Orleans District, could he start to combat the fraud perpetrated against him, in a manner which would garner the degree of attention, which the lower courts did not deign to afford to a pro se litigant. Finally, the relief which is prayed for in this Motion, in addition to the cost borne by Fiorillo to defend against these unlawful debt collection actions, and the causation of financial losses suffered by the Nicholas Fiorillo, Gotspace Data and its stakeholders, must be given the strongest of consideration, as well as all other relief under such egregious circumstances, that this Court deems fit to grant.

From the outset of the RGPSQ Plaintiff's initial unlawful debt collection action of 12/21/2021, and now five additional unlawful debt collection lawsuits, the criminal actions of the

RGPSQ Enterprise brought to light almost 12 months ago, by Nicholas Fiorillo, by way of the attempts by these Plaintiffs to collect unlawful debt, should have been deemed prima facie grounds for dismissal by the lower courts long ago. The RGPSQ Enterprise's "Grand Corruption," and the unclean hands of all members of this criminal group, cannot go without accountability and due punishment. As we now know, for some inexplicable reason, these matters have survived in the courts, until now that is, and there is little secret as to what has been perpetrated by the RGPSQ Enterprise, and their unlawful attorneys.

This presentation of newly discovered evidence, irrefutable proof, expert data, forensic opinions and ongoing affirmative communications with law enforcement, have now put in motion against over 14 individual members of the RGPSQ Enterprise, due to their unlawful acts against Nicholas Fiorillo and his businesses. Criminal show cause proceedings are set to begin on 11/21/2022 in Orleans District Court, where the criminality of the RGPSQ Plaintiffs and their racketeering attorneys, will see justice served. The affirmative information set forth in this motion to dismiss, and the supporting documentation appended hereto, is incontrovertible grounds for the invalidation of the RGPSQ Plaintiff(s) complaint(s), which should be dismissed forthwith, with prejudice..

By way of review of the totality of facts and evidence, this criminal group's almost two years of unlawful electronic eavesdropping and unlawful interception of digital communications by Nicholas Fiorillo, including his privileged and confidential communications with his legal counsel, are clear and direct violations of his civil liberties, rights to due process and fair equities, guaranteed by the United States Constitution to all American citizens. Mr. Fiorillo has, without question or doubt, been completely destroyed by the RGPSQ Enterprise and their Grand Scheme of Unlawful Political-Judicial Power and Control, over the Massachusetts Judicial System. The RGPSQ Enterprise must be defeated for all Americans, for the racketeering attacks which have been perpetrated against all of us who rely on the Massachusetts Judicial System, and the United States Constitution.

**WHEREFORE**, Nicholas Fiorillo requests that the Court deliver the ultimate sanction to Plaintiffs, by entering a Judgment of Dismissal against them, awarding Fiorillo all of the fees and costs associated with the defense of this action, as well as any and all other equitable remedy, that the Court sees fit. The grounds for this motion are set forth in the accompanying memorandum. A proposed order is also attached.

The grounds for this motion are set forth in the accompanying memorandum. A proposed order is also attached, and the following relief respectfully requested:

1. An immediate stay of all proceedings pending summary dismissal;
2. The dismissal of this instant action, with prejudice;
3. An award of treble damages to Defendant;
4. An award of attorneys' fees to Defendant;
5. Imposition of sanctions against Plaintiffs and their attorneys for unlawful wiretapping, unclean hands and fraud on the Court;
6. Referral of this matter to the U.S. Attorney's Office, and/or a Grand Jury.

November 21, 2022

Respectfully submitted,

s/Nicholas Fiorillo  
Nicholas Fiorillo

**CERTIFICATE OF SERVICE**

I hereby certify that on November 21, 2022, I filed the foregoing with the Clerk of the Court, which sent notice of such filing to all parties.

s/Nicholas Fiorillo

NICHOLAS FIORILLO

**REQUEST FOR HEARING**

The Defendant requests a hearing on this motion.