

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPT.  
OF THE TRIAL COURT

C.A. NO. 2184-CV-2894-BLS1

\_\_\_\_\_  
SAMUEL B. SPITALNY, JACOB L. SPITALNY,  
STEPHEN QUILLINAN and S&Q DATA, LLC

Plaintiffs,

v.

GOTSPACE DATA EQUITY FUND, LLC; et al,

Defendants,

and

*NICHOLAS FIORILLO*, et al,

Reach-and-Apply Defendants.

**DEFENDANTS/REACH-AND APPLY DEFENDANTS 2<sup>nd</sup> REQUEST FOR GOTSPACE DATA EQUITY FUND, LLC ET AL. AND NICHOLAS FIORILLO'S AND 3<sup>rd</sup> PARTY WITNESS JOINT EMERGENCY MOTION TO RESCHEDULE HEARINGS AND FOR RELATED RELIEF, FOR CAUSE AS DEFENDANT'S COUNSEL HAS REFUSED TO RULE 9 CONFERENCE AS SUCH REFUSAL WARRANTS AND EMERGENCY MOTION TO RESCHEDULE SUCH JUNE 28<sup>th</sup> HEARING TO A LATTER DATE AS NOW JULY 15<sup>th</sup> CRIMINAL CLERK-MAGISTRATE HEARING HAS BEEN SO SCHEDULED AND CRIMINAL CHARGES ARE NOW BEING PERSUED AGAINST DEFENDANT NICHOLAS FIORILLO BY ATTORNEY KEVIN PETERS**

In accordance with the provisions of Superior Court Rule 9 et seq.. Defendants/Reach-and-apply Defendants, GotSPACE Data Equity Fund, LLC ("GotSPACE") and Nicholas Fiorillo ("Mr. Fiorillo", and together with GotSPACE, the "Defendants and 3<sup>rd</sup> Party non-defendant

Witness, Tracy Fiorillo”) hereby jointly move this Honorable Court on an renewed *emergency* basis to reschedule **all** hearings currently scheduled in the within captioned civil action for **Tuesday, June 28, 2022 at 2:00 p.m.** to another date and time convenient to the court and the parties, and for related relief, for cause. As the Defendants had earlier requested on an *ex-parte* basis to allow an extension of time to properly respond to said motions and reschedule such hearing upon advice of the court. Additionally, both Nicholas Fiorillo and attorney Neil Kreuzer are in the middle of trial, in Barnstable Superior Court. Whereas the court *denied* such *ex-parte* relief without prejudice and ordered the Defendants to conduct Rule 9 conference and communicate with opposing counsel about this instant motion. Whom, the Gesmer Law Firm and Attorney Michael Brier have **flatly refused** to conduct such Rule 9 conference, even after multiple notices of the emergent circumstances contained in our earlier *ex-parte* motion and now refiled and renewed instant *ex-parte* emergency motion requesting a rescheduling of the June 28<sup>th</sup> 2022 hearing and for other relief so granted.

Whereas, Defendants counsel have made every attempt to conduct such rule 9 conference for late this afternoon, and have both called and emailed opposing counsel to conference and conduct such conference at 4:45 pm at nauseam. Whereas, we had received a untimely convenient, EOD response from Attorney Michael Brier, after our duly noticed conference 9 (exhibit 1). Whereas, Attorney Briar is clearly misrepresenting the courts earlier “stay away order” and is attempting to “game the system”. As, Briar, had refused to attend such conference and is relying upon the *twisting* courts orders pertaining to only defendant Nicholas Fiorillo to “stay away and not communicate nor the telephone” relying on, by via email only communications, with Defendant Fiorillo. Whereas Brier's **flat out** refusal to take such rule 9 conference, with Attorney Neil Kreuzer and the Defendants former Attorney, Shawn Masterson,

whom are **not** subject to any order to “stay away” or not “telephonically communicate”, is in violation of the rules of professional conduct and a can be seen as none other to delay, hinder and impede justice and the courts earlier orders to both sides of the the instant litigation to efficiently and professionally communicate with opposing counsel and the pro se Defendant Fiorillo.

As the court ruled that because of the Plaintiffs pending criminal implicative motions alleging that Defendant Fiorillo “assaulted and battered” Attorney Peters during the June 6<sup>th</sup> Deposition of Tracy Fiorillo, the Wife of Nicholas Fiorillo. The court would allow such continuance to respond and advised Fiorillo that testimony that could be presented at the June 28<sup>th</sup>, evidentiary hearing, may in fact be **detrimental to Fiorillo** and such evidence so presented, could be used against him in the now pending **criminal action**. Judge Krupp advised Defendant to consider pleading the 5<sup>th</sup> amendment and afforded Fiorillo the right to provide additional time to respond to such Plaintiffs implicative criminal motion to dismiss and continue the June 28<sup>th</sup> hearing, until a latter date.

Whereas, Mr Peters and Mr Briar are attempting to “game the system” yet again and “frame” Mr Fiorillo for an assault and battery that never occurred. Where Mr Fiorillo **never** attacked Attorney Peters, as Mr Brier continues to falsely proclaim. Whereas, after multiple separate interviews, with at least two different detectives with BPD D#1 investigative unit. Whereas, Attorney Peters willfully stated on the record to these detectives on recorded lines, he was in fact **never struck or assaulted** by Mr Fiorillo **at any time** during the June 6<sup>th</sup> deposition. These Detectives have consistently informed Fiorillo, his wife, Attorney Kevin Salvaggio and retired FBI Special Agent, John Trahon, on **numerous occasions**. Mr Peters was in fact, **never** assaulted or battered by Mr. Fiorillo at any time and had stated at **nauseam** to multiple witnesses he had “*wished that morning never happened*” and was hopeful, Mr and Mrs Fiorillo

“*would drop the whole thing*”. As it was describe by the Detectives, to Fiorillo and others, Mr Peters demeanor was woeful and he had clearly regretted his actions the morning of June 6<sup>th</sup>, 2022. He had in fact asked the Detective to reach out to Mr Fiorillo and express Mr Peters willingness to “drop the incident”. Where such call to Mr Fiorillo was placed from the BPD D#1 precinct to inform Mr Fiorillo on a recorded line, Mr Peters state to the Detectives, **“He was never struck or assaulted by Mr Fiorillo”**. As further explained by the Detective, Mr Peters with the ongoing civil litigation, at focus, Peters was **pleading** with Mr Fiorillo, through the Detectives. Mr Fiorillo and his Wife would not be looking to press charges against him for his sinister assault and battery **he had in fact perpetrated against them**. Whilst, Mr Fiorillo was on the recorded line with the detective, he was asked repeatedly, if Mr Peters was to “forget the incident” , Mr Peters intended “forget the entire matter”, if Fiorillo would agree to as well.

Once hearing out the Detective, and pressing the Detective to clearly repeat the statements of Mr Peters, that he was in fact **not** struck or assaulted at anytime by Mr Fiorillo. Mr Fiorillo vehemently disagreed to drop the matter and went on the record, on the recorded line and began to described in explicit details, the true events of the assault and battery, witness intimidation, wire tapping, and the extortion attempts, that Mr Peters had perpetrated against his Wife and Mr Fiorillo. Whereas, it has been clearly articulated, that Mr Peters is guilty of assault and battery of Mr and Mrs Fiorillo and has now been exposed for his continued pattern of unlawful collection of debts and his clear extortion to usurp upwards of \$23,500,000 not due him or his clients. Fiorillo stated in that very phone interview, he would immediately like to meet the detective, face to face, to give further testimony of the June 6<sup>th</sup> attack, assault and battery Mr Peters had perpetrated against Mr Fiorillo and his Wife. As the Fiorillo's where staying at MGH in the cardiac unit, as Mrs Fiorillo was being treated and evaluated as though she had in fact,

suffered from cardiac arrest on the morning of June 6<sup>th</sup> 2022. Whereas, Fiorillo was now official giving statements to the detective, on this secure line that was confirmed by the detective , in fact such line was being recorded.

Whilst Mr Fiorillo was in the process of being interviewed and giving his official statements to the Detective about Mr Peters assault and battery of the Fiorillo's. Mr Fiorillo sent an email to Mr Peters, informing his attacker and this court and other concerned parties involved within this sinister nexus of Mr Peters ongoing debt collection RICO conspiracy. What in fact actually took place the morning of June 6<sup>th</sup> 2022 and how Mrs Fiorillo had been taken away by ambulance, as her heart was triggered by Peters nefarious verbal attacks that forced her heart to race well beyond any imaginable normal rate and well above 200 beats per minute. As a direct result of Mr Peters witness intimidation, assault and battery by way of “kicking of Mrs Fiorillo leg” and full on charging attack of Mr Fiorillo and his Wife as they both where “on the the ground”, Peters assaulted and batter the couple. As Mr Fiorillo was attempting to save his wife from sudden death and get her emergency medical attention. Such detailed email communication that Mr Fiorillo had sent out during his interview by the detectives is attached as (exhibit 2). Such email that Mr Fiorillo circulated, was a factual statement that was electronically served on Mr Peters as Mr and Mrs Fiorillo's official notice they intended to seek multiple criminal chargers against Mr Peters. As they where clearly victimized by Mr Peters unlawful criminal acts. Whereas, on such recorded line, the detective explicitly represented to Mr Fiorillo, Mr Peters was insistent, “he was not assaulted or battered by Mr Fiorillo at any time and wished to “**forget the entire incident**”.

Mr Fiorillo's timely email communication clearly memorialized Mr Peters multiple statements that he was not attacked, was never struck or assaulted and now Fiorillo had timely

went on the recorded and officially informed. Mr Peters and all concerned parties, Fiorillo and his Wife had every intention of pressing charges against Peters for his crimes against them in a criminal court of law. This was clear preemptive notice to Mr Peters, the Fiorillo's had now gave official statements to the detectives that they where the real victims and that even after such notice and decree by Peters Victims. The Detectives furthered and continued to re affirm that Peters stated to them numerous times, he was never assaulted or battered nor was he ever attacked by Mr Fiorillo.

On the afternoon of Thursday June 9<sup>th</sup>, Attorney Kevin Salvaggio and former Boston FBI Special Agent, John Trahon, had agreed to meet with the Sergeant of the Detective unit of BPD D#1, to discuss what had transpired and further advocate for the true victims, Mrs Fiorillo and Mr Fiorillo. As by this point the Fiorillo's had filed detailed incident reports (exhibit 3), late Wednesday afternoon. As Mrs Fiorillo was finally discharged from MGH, after three and ½ days and 2 nights, in the hospital as she attempting to recover from the June 6<sup>th</sup> attack by Peters. Where he clearly had victimized, assaulted and battered by Mrs and MR Fiorillo. As Mrs Fiorillo is now in crisis recovery, has taken a leave of absence from work and is now scheduled multiple cardiovascular test and heart specialists opinions, that may or may not determine, she in fact may need to be subjected to a serious life altering medical operation to install a “pacer maker”.

As it has clearly been determined from multiple medical doctors, the purposefully induced stress levels that Mr Peters vindictively inflicted along with his constant ongoing threats of contempt and earlier threats to “jail” Mrs Fiorillo, based upon his baseless lawsuit for contempt that Mr Peters filed against her, for her alleged failure to attend an early “rouse” of a deposition. That was never officially scheduled nor served upon her, and was clearly in

violation of Mr Peters “anti-slap” stay. Where in fact this court, nor Mr Peters, had any jurisdiction over Mrs Fiorillo, to even schedule or conduct such deposition or order any discovery. As the court and Mr Peters had now admittedly timely failed to act upon, is despicable. Mr Peters, whom has continually bragged to anyone that will listen, boasts he was a former assistant to the assistant District Attorney. Where Peters was an attorney, whom still “has pull” and was hopeful the detectives could convince the Fiorillo's to “drop it” and would agree to not seek criminal charges and seek court intervention of their grievances. Whom had already filed multiple criminal complaints against Mr Peters and his clients, The Spitalny's and his law firm. Whereas The Fiorillos where the true Victims of Mr Peters criminal acts. Whereas The Fiorillo would not lay silent and act “as though the June 6<sup>th</sup> incident never happened at all”.

As now Attorney Peters, after being served with the Fiorillo's multi-part criminal complaint allegations, being filled with the Boston Police Department on June 7<sup>th</sup> and 8<sup>th</sup>, 2022. Mr Peters has now clearly perjured himself with his contradictory testimony he proffered to support his motion to levy a \$7,000,000 million dollar sanction against Mr Fiorillo as Mr Peters was now, conveniently claiming that “he was the victim of and assault and battery”. As Mr Peters now seeks his attorney's fees and a multi-million dollar recovery, he and his clients are simply not entitled to. This is just Mr Peters furthering the “loaning to own” and “loan sharking” of this racketeering group and the Consigliere's participation in the ongoing criminal conspiracy, Peters is clearly in charge of. Through this criminal groups continued pattern to collect unlawful debts, legal fees and seek unlawful damages that he and his clients are not entitled to.

Mr. Peters clearly nefarious attempts to now fabricate a convenient attempt to “walk back his recollection of the morning of June 6<sup>th</sup>, 2022” to now and to be now used to further

“aid and abet” his and his clients massive fraud upon this court. That is squarely based on his foundation of miss truths, double talk and lies about the morning of June 6<sup>th</sup> as he seeks such relief of money damaged and default judgment of upwards of \$7,000,000 plus million dollar and upwards of \$1,000,000 in collective attorneys fees is unlawful.

As it is “crystal clear” this is just one of many and continued “games of the legal system” and the his “new” extortionstic attempt to abuse the criminally implicative false claims that Mr Fiorillo “assaulted and battered” Mr Peters to gain a civil monetary result by threat and prosecution of a “fictitious criminal assault” that never occurred. Whereas, Mr Peters has now stated to many detectives at the Boston Police Station, District 1 and to others. He, in fact was **never** assaulted **nor** battered by Mr Fiorillo. Whereas Mr Peters, has now filed a criminally implicative civil motion to dismiss in front of this court and has asked for his despicable relief. Whereas such relief in part, is to award upwards of \$1,000,000 in total legal fees to him and levy a default judgment against Fiorillo for upwards of \$7,000,000 million dollars. All based upon Mr Peters verified criminally implicative motion he has now handed up in this civil action, that clearly appears to be a massive fraud upon this court, under the pains and penalties of perjury. Whereas. Mr Peters has stated numerous times to law enforcement and others, Mr Fiorillo **never** assaulted or battered him on the morning of June 6<sup>th</sup> 2022.

Mr. Peters is clearly in violation of the anti-slap regulation of the Commonwealth and the Federal Statues of such Slap protections as his **new** and convenient **recent** memory of the morning of June 6<sup>th</sup> 2022 at his deposition he had conducted, has now placed Mr Fiorillo being the aggressor. As even, Mr Peters has stated he was the one whom **rushed over** to Mr Fiorillo, as he was on his knees trying to provide medical aid to his helpless Wife, as she was suffering from a “black out” and a cardiac arrest situation with PSVT complications. Clearly induced by the

intimidation and threats of contempt to Mrs Fiorillo, a non-related witness, as she pleaded with him, even begged him, to have her own attorney present. Where the record clearly reflects Mr Peters continued to **flat out deny** Mrs Fiorillo her inherent rights, to have an attorney represent her.

As Mr Peters was well aware there was a pending emergency motion to stay the June 6<sup>th</sup> deposition as Mr Masterson was terminated by Judge Salinger and could not represent Mr Fiorillo and his related affiliate companies. In the overall nexus of such intertwined now 5 duplicative pending cases now in front of Judge Salinger and Judge Krupp. As any person can clearly deduce, from the stenographer's record of the morning of June 6<sup>th</sup> (exhibit 4), Mr. Peters attacked Mr Fiorillo, jumped on his back and punched Fiorillo and kicked his Wife as she lay on the ground, as her heart raced to above a heart attache stress level and registered a reported heart beat in excess of 200 bpm.

It is also come to light, Mr Peters staff had already been clearly coached to “call the police” well before Mr and Mrs Fiorillo appeared for his deposition, as he conspired with his entire law office, to be “ready”. As Mr Peters clearly had planned to “frame” Mr Fiorillo in his apparent criminal implicative attack to gain an unlawful legal advantage to force a multi-million dollar monetary settlement from Fiorillo and his affiliate companies. He had clearly instructed his staff to “be at the ready” as they intended to prematurely call the police on Mr Fiorillo and attempt to have him arrested for the anticipated “staged altercation” Mr Peters had earlier conspired and “cooked up” with his staff, to provoke from Mr Fiorillo. As the evidence has clearly exposed Mr Peters “staged” witness intimidation of Mrs Fiorillo was perpetrated in a maliciously physically assaultive designed manor to inflict extreme stress and angst upon his

victim to purposefully place her into a a heighten level of fear of her life and freedom, free from being held in contempt and being jailed.

Mr Peters continued witness intimidation and attack and abuse of Mrs Fiorillo was clearly set out to provoke; Mr Fiorillo into some sort of heighten alteration that would need immediate police intervention. It is now clear, Mr Peters was attempting to “set up” Mr Fiorillo. Where you can observe Mr Peters perfect timing of his staff rushing into the closed door and sound proof room. Stating they had “already called the police”, such secretary could of **not know** what was going on behind close doors and burst into the conference room proclaiming she had “already called the police” as she saw Mrs Fiorillo, as she lay lifeless on the floor and none-responsive. As the secretary yelled out “She is Faking it, She is Faking it” and was laughing about was she had observed. It is clear the entire situation was premeditated, concocted and “staged” by Mr Peters. Clearly designed to “frame” Mr Fiorillo and make it appear as though, that Mr Fiorillo was unruly and needed to be restrained by the Police for a disruption that never occurred or was caused by Mr Fiorillo, never mind an now “to little to late” allegation that Mr Fiorillo attacked Mr Peters.

The true events of that day and the “set up” by Mr Peters and his staff can be audibly heard, whereas his own staff had entered the room without provocation, yelling at Mr Peters, “Kevin what are you doing, What are doing” as Mr Peters was clearly the aggressor whom had lunged up, over and around the giant conference table, in an attack mode and charged over to where Mr and Mrs Fiorillo had earlier been seated and now lay upon the floor. As Mr Fiorillo frantically yelled out in desperation for medical attention for his wife. As he screamed please “Call 911 Call 911, My Wife has a Preexisting Heart Condition!” you can also hear Mr Peters accomplices in his “sinister staging and now role playing that he is now somehow the battered

“Victim” of his alleged A&B that “never took place on him”. The statements by the secretary “She is Faking it, She is Faking it”, where the secretary and the stenographer were clearly ready to allege Mrs Fiorillo's 'fake heart condition” and refused to call anyone other than the Police, as had been earlier instructed by Mr Peters. It had been confirmed the EMTs were not the 1<sup>st</sup> or the 2<sup>nd</sup> call that was registered on the 911 logs.

Mr Peters and this court knew, for many months as they had already been duly informed. Mrs Fiorillo suffered from a serious heart condition and could not be subjected to heightened levels of stress. Especially the ongoing threats to be wrongfully incarcerated and unjustly order to answer questions in a deposition that she was barred from attorney Peters, to have an her own attorney present during such deposition. It is clear from the initial 911 dispatched call, the Police and not the Ambulance were called before the secretary even had entered the sound proof room, as when she entered, you can clearly hear her scream in disbelief, as she yelled “Kevin what are you doing, Kevin What are you doing?” Where it was clear you can hear that, Mr and Mrs Fiorillo were obviously the true victims with out a doubt, and where in fact attacked and assaulted and battered by Mr Peters on the morning of June 6<sup>th</sup> 2022.

Clearly where Mr Peters now verified motion and statements to the detectives and the audio recording and statements from the stenographer, clearly tell the true story of what actually happened. Mr Peters was some 15-20 feet away from where he was conducting his sinister deposition. It remains, crystal clear, Mr Peters intended cause Mrs Fiorillo angst and fear of further contempt, as she pleaded with Mr Peters, right before she had blacked out, to have an attorney present to properly represent her. As, Mr Peters was fully aware there was a pending emergency motion to stay the June 6<sup>th</sup> deposition, as Mr and Mrs Fiorillo had rightfully

terminated attorney Shawn Masterson from all representations of them in front of this court. (exhibit 4) deposition of June 6<sup>th</sup> audio minutes and transcripts)

Whereas, Judge Salinger hearing further testimony about the obvious conflicts that were raised in all the related cases involving the Defendants and Plaintiffs and their business associates in both the GS Beverly, GS Gloucester and Fiorillo interrelated corporate affiliates. Where all interconnected to the larger nexus of nefarious debt collection actions brought by the related Plaintiff's Raymond Green and the Spitalnys and now Attorney Goerge Mclaughlin. The Judge had order in open court, Attorney Masterson was to immediately withdraw from representation of Fiorillo et al, and be refrained from uttering any rebuttal into the record, as Mr Fiorillo clearly articulated the numerous conflicts that had now existed, in totality of all the related cases and circumstance involving Mr Brian Sheehan. Whom he is also an equitable stake holder in the Gotspace Self-storage Assets and also another an investor in a large estate property located in Dedham. That Plaintiff's, Raymond Green had collected over 300% interest on the cross collateralization of loans to Gotspace Data et al.

Mr Peters true intent, on the morning of June 6<sup>th</sup>, was to provoke an altercation and "frame" Mr Fiorillo in a criminal plot, to be used to gain an unlawfully advantage to criminally implicate Fiorillo and use such unlawful leverage and manipulate this courts civil powers and was keen to impose a \$7,000,000 million dollar money judgment. As clearly the criminal implicative sanction against Mr Fiorillo, by unlawfully means to force a settlement of upwards of \$23,500,000 is not due or owing Mr Peters or his clients. As Mr Peters, is no stranger to the criminal justice system and has often bragged to his clients and opposing counsel, "he has friends in the detective unit in BPD D#1 and is close with Clerk Powers, Judge Krupp and the Clerk Magistrate presiding over criminal hearing on July 15<sup>th</sup>" 2022.

It is clear to the Defendant's, this is yet again, just another sinister attempt to gain an unlawful legal advantage against Defendant Fiorillo et al.. Upon Mr Peters patent misstatements and outright **lies** to this court, he was assaulted, as his true statements to the Boston Police on recorded lines, on June 6<sup>th</sup>, 7<sup>th</sup> and again on June 8th. Attorney Peters stated, he was **never** attacked by Mr Fiorillo. Whereas Mr Peters has now filed a criminally implicative motion in civil court and has requested relief, as he has untruthfully alleged his foundation for such legal courts intervention is based upon a pure fabrication and fraud upon this court of an assault and battery that Mr Fiorillo never committed against Mr Peters. Mr Peters is clearly perpetrating an unlawful demand of legal fees and moneys not due against Fiorillo. Mr Peters, now in clear retaliation and some 7 days after the incident and 4 days after Peters became aware of the criminal charges brought against him. As Mr Peters was served with the Fiorillo's criminal complaints against **him for the actual assault and battery he had perpetrated against Mr and Mrs Fiorillo.**

Mr Peters is clearly perpetrating a fraud on this court and the criminal court, as he has now "lied and is poorly attempting to change his story" to gain an obvious unlawfully strategic advantage against Fiorillo and his companies. In this pending litigation and two other actions, where Mr Peters has now nefariously sought out represent other adversaries of Mr Fiorillo. Where he now represents Fiorillo's former attorney George Mclaughlin (the Plaintiff's current Attorney in this action) and rebuked Partners, Shane Brady and Dick Anganost, in the \$250,000,000 million dollar development of the 600,000 square foot Swansea Mall and Fiorillo's Ocean Development companies.

Mr Peters, continues to tortiously interfere with all aspects of Mr Fiorillo's businesses and has just recently attempted to unlawfully remove Mr Fiorillo from his sole manager role of the

GS Beverly and GS Gloucester Self-storage companies and is now acting as corporate counsel in a sale for upwards of \$50,000,000 dollars. Mr Peters continues even now and is clearly acting as corporate counsel of Mr Fiorillo as he is the 100% stake holder in such company. Mr Peters now clearly works for Mr Fiorillo and continues his incestuous unlawful attacks and has "taken up arms". With anyone and any courts in the Commonwealth and beyond, to gain an unlawfully strategic advantage against Fiorillo et al. In this case and now the many other related actions adverse to Fiorillo. Whereas, Mr Peters continued unlawful manipulation of the now criminal and civil legal systems in Massachusetts, are being abused by this so called attorney, as he continues to "game the system".

Where Peters continued to state to the detectives, Fiorillo **never assaulted or battered him**. Whereas, such Boston Police Detectives consistently at nauseam, had previously informed Nicholas Fiorillo, Tracy Fiorillo and Kevin Salvaggio and John Trahon, over multiple in person interviews between June 6<sup>th</sup> and 7<sup>th</sup> and very late in the day on June 8<sup>th</sup>, when Mrs Fiorillo was released from the hospital, and at the June 9<sup>th</sup> meetings with Detectives. Mr Peters clearly stated **he had no intention of perusing any criminal matters against the Fiorillo's** and was **not** assault or batter . For a matter of 7 days up and until June 14<sup>th</sup>, when Mr Peters had received the Fiorillo's notice of their multiple criminal incident complaints, that had now been filed against him for assault and battery against Tracy Fiorillo, Nicholas Fiorillo and the various other violations of the criminal penal code, that are now detailed in the three criminal complaints that have been presented to the BPD, Mr Peters must be removed immediately from this and any related cases. In addition based upon the seriousness of Mr Peters now **"brand new"** pending criminal complaint statement, that he has now "all of a sudden" now changed his story and has stated he had been attacked by Mr Fiorillo. The Defendants and the 3<sup>rd</sup> Party witness respectful

request time to properly answer the Plaintiff's motion to dismiss, properly address the now mid-July clerk-magistrate hearing the Mr Peters is now requesting a felony criminal complaint be perused against Mr Fiorillo. All the while, he has filed a motion to dismiss and has demanded the court issues a default judgment of sorts for upwards of almost \$7,000,000 million dollars. Mr Fiorillo and his corporate affiliates and his Wife, Mrs Fiorillo all be allowed time to properly answer such motions, seek counsel and deal with the now three different justly brought criminal complaints that have been properly filed with the Boston Police Department, District 1.

In support hereof, the Defendants also state that Mr. Fiorillo and Neil Kreuzer, Esq., who is counsel of record for Gotspace corporate affiliates and Mr. Fiorillo in an unrelated, pending civil action entitled *Hyannis Marina, Inc. v. Nicholas Fiorillo*, Superior Court Dept. of the Trial Court – *Barnstable Division*, No. 1872-cv-00080 are now otherwise engaged in trial of said action, which did, in fact, commence on Monday, June 27, 2022 at 9:00 a.m. and is now expected to continue through at least Wednesday , June 29, 2022 which happens to be overlapping the 28<sup>th</sup> of June's currently scheduled hearing on various motions that have been scheduled by this Court.<sup>1</sup> It is important to reference Judge Krupp earlier ruling affording the Defendants a continuance based upon the criminal implications of opposing counsels series of motions revolving around the June 6<sup>th</sup> deposition in which the 3<sup>rd</sup> party witness, Mrs Fiorillo appeared and was deposed and subsequently left in ambulance due to Attorney Peters nefarious threats of contempt, incarceration and refusal and denial of Mrs Fiorillo to afford time to obtained legal counsel and now the recent pending criminal complaint for assault and battery that Mr Peters had in fact perpetrated against the Fiorillo's. These conflicting allegations of being assaulted by Defendant Fiorillo to this court where in fact Attorney Peters Obviously,

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<sup>1</sup> This would also include the separate, pending hearing (trial) for contempt involving Tracy Fiorillo a/k/a Tracy L. Fiorillo also scheduled on that same date and time.

counsel and Mr. Fiorillo have been focusing their efforts on preparing for this other pending trial, and seeking out a competent criminal and civil defense counsel, so they can properly prepare for the pending motions before this Court and now the Suffolk district court, nor can they be in two places at the same time, the ongoing Hyannis Marina trial now taking precedence over the June 28<sup>th</sup> pending motions before this Court.

The Defendants had filed their initial motion on an ex-parte basis and did not file this motion sooner, because there were ongoing settlement negotiations in the aforementioned Barnstable civil action which, if successful, would have abrogated the need for a trial. However, it now appearing that such negotiations having failed, and the trial now underway, such trial is now the only means to resolve the various claims and counterclaims made by the parties to that action.

Notwithstanding the foregoing, relative to this Court's June 10, 2022, Peter B. Krupp, J., docketed on June 15, 2022, Mr. Fiorillo respectfully moves this Court for additional time to review and respond to the plaintiffs' Emergency Motion to address an alleged incident during a court ordered deposition. Mr. Fiorillo has received notice of a Clerk-Magistrate's Hearing scheduled for July 15, 2022 on an application for a criminal complaint brought by Attorney Kevin Peters against him related to the same alleged incident. A copy of the notice of the aforementioned criminal hearing is attached to this motion as an Exhibit 4 for the Court's review. Mr. Fiorillo is presently consulting with various criminal and civil defense attorneys at prestigious law firms, to seek their advice and guidance in responding to the Emergency Motion and the related application for criminal complaint and Clerk-Magistrate's Hearing. Given the inextricably intertwined issues and the implications that the criminal allegations have relative to the pending Emergency Motion and the other pending motions in this case, Mr. Fiorillo requires

additional time to consult with and retain a criminal defense attorneys and civil litigation attorneys and to properly prepare to address the various motions in the now 4 different related cases in front of this court .

WHEREFORE, Defendants/Reach-and-apply Defendants, Gotspace Data Equity Fund, LLC and Nicholas Fiorillo and the non-party witness Mrs Fiorillo, jointly pray that the instant and now properly noticed Rule 9 and **flat out refusal** of opposing counsel to conference with attorney Neil Kruezer, be now heard on an a ex-parte *emergency basis and so* allowed and the relief requested herein be granted, and for such other and further relief as this Honorable Court deems just and appropriate.

Defendant/Reach-and-apply Defendant,  
NICHOLAS FIORILLO. PRO SE, GOTSPACE  
DATA EQUITY FUND, LLC, AND NON-  
PARTY WITNESS TRACY FIORILLO  
NICHOLAS FIORILLO, Pro Se

/s/ Nicholas Fiorillo

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Dated: June 28<sup>th</sup> 2022

CERTIFICATE OF COMPLIANCE

In accordance with the provisions of Superior Court Rule 9A(d)(1), undersigned counsel for Defendant/Reach-and-apply Defendant, Gotspace Data Equity Fund, LLC et al., has made a mutiple good faith efforts to confer with opposing counsel prior to filing this renewed ex-parte motion for a continuance, and there has been a blatant refusal of any of the Plaintiff's party which has assented to the renewed motion which was served over 4 days ago, which opposes the motion, *or has rejected* under the attendant circumstances, that has been unable to make any such contact..<sup>2</sup>

\_\_\_\_\_/Neil Kreuzer/\_\_\_\_\_  
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Neil Kreuzer, Esq.

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<sup>2</sup> By Order of the Court, Peter B. Krupp, J., dated June 10, 2022 and docketed on June 15, 2022, Mr. Fiorillo is, until further order of court, excused from *inter alia* contacting any opposing counsel via any medium, *except* in writing, and thus under the attendant *emergency* circumstances, cannot comply with the contact provisions of Superior Court 9A(d)(1) rule. (*See* Docket Record, Doc. No. 110). Being as no such order enjoins Defendant's corporate counsel to conduct such Rule 9 Conference. The "flat refusal" to even acknowledge contact or confirm such 4:45pm notice to conference was ignored and rebuked by opposing counsel as further proven in the attached EOD Refusal to participate in such Rule 9 conference.

CERTIFICATE OF SERVICE

I, Neil Kreuzer, Esq., hereby certify that upon the e-filing of this joint motion with Pro Se Defendant, Nicholas Fiorillo as an *emergency* civil motion that we have also forthwith served a copy of the same via the same method and/or via e-mail upon all parties in the within captioned civil action.

\_\_\_/Neil Kreuzer/\_\_\_\_\_

Neil Kreuzer, Esq.

EXHIBIT 1

----- Forwarded Message -----

**From:** Michael Brier <michael.brier@gesmer.com>  
**To:** smasterson@sdmlawgroup.com <smasterson@sdmlawgroup.com>; nkreuzer <nkreuzer@aol.com>; Kevin T. Peters <kevin.peters@gesmer.com>; Lauren Haskins <lauren.haskins@gesmer.com>; NICHOLAS FIORILLO <metrowestrealty@yahoo.com>  
**Sent:** Monday, June 27, 2022 at 04:49:21 PM EDT  
**Subject:** RE: Samuel Spitalny v Nicholas Fiorillo 9c request

Pursuant to the Court's June 10, 2022 Order, entered following Mr. Fiorillo's attack on Attorney Peters, we will not have verbal communications with Mr. Fiorillo of any sort. Nor will we agree to a continuation of tomorrow's hearing, where the defendants waited until today to seek a continuance when the date of the hearing was set on June 10. If the defendants wish to participate in the hearing, perhaps the Court would allow them to do so by Zoom.

Michael Brier

Partner

GesmerUpdegrove LLP  
40 Broad Street  
Boston, MA 02109

(617) 350-6800

[www.gesmer.com](http://www.gesmer.com)

**From:** smasterson@sdmlawgroup.com <smasterson@sdmlawgroup.com>  
**Sent:** Monday, June 27, 2022 4:37 PM  
**To:** nkreuzer <nkreuzer@aol.com>; Michael Brier <Michael.Brier@Gesmer.com>; Kevin T. Peters <Kevin.Peters@Gesmer.com>; Lauren Haskins <Lauren.Haskins@Gesmer.com>; NICHOLAS FIORILLO <metrowestrealty@yahoo.com>  
**Subject:** RE: Samuel Spitalny v Nicholas Fiorillo 9c request

Good afternoon,

Technically I am still in this case. Can we patch in Nick Fiorillo and Neil Kreuzer for a 9C call at 4:45?

Thanks

Shawn

Shawn M. Masterson, Esq.  
Partner  
Shapiro Dorry Masterson, LLC  
145 Waterman Street  
Providence, RI 02906  
(401)455-0002  
(866)484-9499  
Licensed in MA, RI, CT, NH, VT

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----- Original Message -----

Subject: RE: Samuel Spitalny v Nicholas Fiorillo 9c request  
From: nkreuzer <[nkreuzer@aol.com](mailto:nkreuzer@aol.com)>  
Date: Mon, June 27, 2022 3:11 pm  
To: "[smasterson@sdmlawgroup.com](mailto:smasterson@sdmlawgroup.com)" <[smasterson@sdmlawgroup.com](mailto:smasterson@sdmlawgroup.com)>, Gloria Brooks <[gloria.brooks@jud.state.ma.us](mailto:gloria.brooks@jud.state.ma.us)>, Michael Brier <[Michael.Brier@Gesmer.com](mailto:Michael.Brier@Gesmer.com)>, Kevin Peters <[Kevin.Peters@Gesmer.com](mailto:Kevin.Peters@Gesmer.com)>, Lauren Haskins <[Lauren.Haskins@Gesmer.com](mailto:Lauren.Haskins@Gesmer.com)>, NICHOLAS FIORILLO <[metrowestrealty@yahoo.com](mailto:metrowestrealty@yahoo.com)>

Please note that we request a 9c conference for 445pm today regarding hearing tomorrow. Both Nick and I are on trial, but see entire motion rejected for filing earlier today.

In addition, trial will extend tomorrow and probably beyond.

Sincerely,

Neil Kreuzer

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: [smasterson@sdmlawgroup.com](mailto:smasterson@sdmlawgroup.com)

Date: 6/27/22 1:54 PM (GMT-05:00)

To: Gloria Brooks <[gloria\\_brooks@jud.state.ma.us](mailto:gloria_brooks@jud.state.ma.us)>, Michael Brier <[Michael.Brier@Gesmer.com](mailto:Michael.Brier@Gesmer.com)>, Kevin Peters <[Kevin.Peters@Gesmer.com](mailto:Kevin.Peters@Gesmer.com)>, Lauren Haskins <[Lauren.Haskins@Gesmer.com](mailto:Lauren.Haskins@Gesmer.com)>, NICHOLAS FIORILLO <[metrowestrealty@yahoo.com](mailto:metrowestrealty@yahoo.com)>, [nkreuzer@aol.com](mailto:nkreuzer@aol.com)

Subject: Samuel Spitalny v Nicholas Fiorillo-Motion to Withdraw as Counsel to the Reach and Apply Defendants

Good afternoon,

Attached is my Motion to Withdraw as counsel to the Reach and Apply Defendants in this matter. The same was been efiled. There are hearings on this matter on June 28.

Regards,

Shawn

Shawn M. Masterson, Esq.

Partner

Shapiro Dorry Masterson, LLC

145 Waterman Street

Providence, RI 02906

(401)455-0002

(866)484-9499

Licensed in MA, RI, CT, NH, VT

EXHIBIT 2

----- Forwarded Message -----

**From:** nicholas fiorillo <metrowestrealty@yahoo.com>  
**To:** Kevin T. Peters <kevin.peters@gesmer.com>; "joan@raygreen.com" <joan@raygreen.com>  
**Sent:** Monday, June 6, 2022 at 02:09:24 PM EDT  
**Subject:** Fwd: Emergency Notice of Intent to File Criminal Charges Against you your Firm and Employees for Assault & Battery , Intimidation of a Witness, Violation of SEC29 - Launch Of Judicial Investigation for Insider Manipulation of the Court Docket

Sent from my iPhone

Begin forwarded message:

**From:** nicholas fiorillo <metrowestrealty@yahoo.com>  
**Date:** June 6, 2022 at 2:08:33 PM EDT  
**To:** Gloria Brooks <gloria.brooks@jud.state.ma.us>, beatriz.van-meek@jud.state.ma.us, beAtriz.vanmeer@jud.state.ma.us  
**Subject:** Fwd: Emergency Notice of Intent to File Criminal Charges Against you your Firm and Employees for Assault & Battery , Intimidation of a Witness, Violation of SEC29 - Launch Of Judicial Investigation for Insider Manipulation of the Court Docket

Ms Brooks & Van-Meek,

Please forward this communication to both Judge Locke, Salinger and Krupp. As what has transpired and unfolded in their court rooms over the last 7 months has always been an unlawful debt collection under civil RICO.

Which has now risen to a criminal level needing local and federal judicial intervention. Mr Peters and Mr McLaughlin and Nesgos et al, have operated throughout this case as though the rules do not apply to any of them.

It has never been more crystal clear what has happened with the docket involving my cases and the manipulation of an insider clerk and George Mcglauffin, Peters and Briar along with Nesgos e al. As they have clearly used an Insider in the clerks office to " stack the docket" to gain an unfair advantage against me.

Please forward this communication to Judges Locke, Salinger and Krupp. As what has transpired and unfolded in their court rooms is clearly a criminal conspiracy to extort monies and turn over property value at upwards of \$73,500,000 that we do not owe. This is clearly and unlawful pattern of debt collection under civil RICO. Which has now risen to a criminal level

needing local and federal judicial intervention. Mr Peters, Briar and Mr McLaughlin and Nesgos have operated throughout this case as though the rules do not apply to any of them and neither do they need to worry about filing motions late, in reverse or even any motions at all, where as over 11 motions we have filled, never seen the light of a court room, never mind, open and transparent deliberations.

It has never been more crystal clear what has happened with the docket involving my cases and the manipulation of an insider clerk and George Mcglaulin and Nesco's and attorney peters and briar have use that to gain an unfair advantage against me.

With the most recent events taking place today where my wife is now in the hospital based on the threats of criminally implicative Contempt orders against my wife, Peters threatened her with as shr pleaded for leave to hire an attorney. This entire deposition could be avoided as my wife simply begged him to allow her time to get an attorney, Whereas we all know Shawn Matsterson was just terminated.

All these attorneys have been "gaming the system" and using the Judge's words and statements and twisting them to gain an unfair advantage against us to collect upwards of \$73,500,00 million not due or owing .

Please inform Judges above of what has transpired today, as I have counsel immediately coming in to handle what has transpired and will be discussing today's events with the FBI, the US Attorney and the Boston Police department immediately.

The judges are required to turn over such information and hand up this to the authorities and the AG's office , with total set of facts of what has transpired today.

My wife's life has been endangered by the crystal clear abusive of process and nefarious actions of a group attorney that act as though the rules of law and procedural process do not apply to them.

No One of Us is Above the Law!

I pleading with you that you confirm here and now, you will forward this communication to all three judges immediately and let us know the Judges have received our plea for help and their judicial intervention.

Nicholas Fiorillo  
Pro se  
508 776 7219

Begin forwarded message:

**From:** nicholas fiorillo <metrowestrealty@yahoo.com>  
**Date:** June 6, 2022 at 1:51:49 PM EDT  
**To:** Jeffrey Hellman <jeff@jeffhellmanlaw.com>, cpease@goldmanpease.com, "Kevin T. Peters" <Kevin.Peters@gesmer.com>, Michael Brier <Michael.Brier@gesmer.com>, "Shawn M. Masterson" <smasterson@sdmlawgroup.com>, Ks6 <ks6@cox.net>, Nkreuzer <nkreuzer@aol.com>, Gary Weiner <gweiner@weinerlegal.com>, "Nicholas J.

Nesgos" <nicholas.nesgos@afslaw.com>, giiii@mclaughlinbrothers.com, John Trahon <johntrahon@hotmail.com>, Joseph Butler <jgb@jgbutlerlaw.com>, Donald Stukes <DStukes@asi-advisors.com>, Lauren Haskins <Lauren.Haskins@gesmer.com>, "David J. Reier" <david.reier@arentfox.com>, joan@raygreen.com, ray <ray@raygreen.com>  
**Cc:** Jake Spitalny <jakes@steinfibers.com>, joan@raygreen.com, Gloria Brooks <gloria.brooks@jud.state.ma.us>, ray <ray@raygreen.com>, Justin Murphy <justin@raygreen.com>  
**Subject: Emergency Notice of Intent to File Criminal Charges Against you your Firm and Employees for Assault & Battery , Intimidation of a Witness, Violation of SEC29 - Launch Of Judicial Investigation for Insider Manipulation of the Court Docket**

Attorneys,

Peters, McLaughlin, Briar, Nesgos ,  
Gilligian

We are at MGH ER as my wife has suffered some sort of cardiac arrest as a result of your nefarious harassment from stress related to your continued threats you had made upon my wife with contempt as you made your multiple criminally implicative threats to arrest her. You continually denied her right to have an attorney present at her deposition today and demanded, against her will as You were clear and succinctly stated on the record:

1. You knew there was a pending emergency motion to stay the deposition.
2. Shawn Masterson was fired by Tracy and myself and released in front of Judge Salinger late last Thursday.
3. Where Tracy stated all clearly above and informed you specifically. She asked for time to get new counsel and you flat out denied her request
4. You continued to extort and leverage your criminally implicative threats against her and stated "you do not have right to have an attorney present, Judge Krupp order you to be here today, regardless of your rights to have an Attorney present.

After such threats as my poor wife Pleaded with you repeatedly on the record, she had a pending motion to stay and she had a right to have an attorney present. She continually said she was not feeling well, was extremely stressed and had her heart racing. You threatened her so much, the stress you put upon her,  
put her into some sort cardiac arrest and she fell to the floor and blacked out.

Where is has now been now been determined from the EKG in the Ambulance and medical doctors at MGH, her heart went into full 180bbp arrest as result of your continued and relentless attack of upon her as you pushed her vitals to shut down on her. As she told you multiple times before, through her former counsel and on the record of how nervous and unhealthy and stressed you had made her feel.

Just as you where warning her with you criminally implicative intent contempt against her and myself, would be brought upon her today. If she didn't answer a question posed from a bankruptcy and real estate she may have owned prior to marry me, some 22 years ago, she collapsed to the floor and blacked out. Your games will now cease to exist as we intend to seek the highest protection of the law afford to us to protect our physical safety, liberates and law.

As my wife lay lifeless on the floor as I was kneeling beside my unconscious wife , attempting to revive her, I yelled out "Call 911, call an ambulance, call 911" and yelled to anyone that would listen, "my wife has a pre-existing heart condition" CALL 911!

You said "my wife was faking it" and aggressively charged at us and came out and around the 18 x10 conference table and barrel chested you way into me as stood up to from the floor now blocking my wife and protecting her from you. You continued to attack aggressively grabbed me. That's when I screamed in your face, Call the Ambulance!

You did not relent attacking me, and attempted to throw me to the floor, as I yelled "your attacking me, your attacking me", as this insanity is on the record for all to hear. That did not stop you from punching at me as you attempted to force me to the ground. I then was able to get my feet under you, pushed you back towards the window as you tripped over my wife's lifeless feet, as screamed to get away from you and attend to my wife.

At some point your secretary came in to help, or so we thought and immediately said under her breath, "Kevin said you guys would try to fake something like this". I begged your employee to call 911 for medical help, and screamed, my wife has a pre-existing heart condition. We have now received word, no one from your office called for an Ambulance, the only initial call was for a fight, that you clearly initiated, instigated and where the aggressor of. Your office Was negligent as we didn't have any EMTs arrived on scene for over 30 minutes as it was confirmed that no one in your office called for medical help. Your early premeditated "fight club" talk with your staff has been exposed and now my Wife lay in the ER in post Cardiac Arrest Status.

This is our notice that we are filing criminal charges immediately for your assault and battery of my wife and I and for your continued harassment and participation in this criminal enterprise to collect over \$23.5 million not due or owing as you continue a Pattern of Unlawful Debt Collections by Criminal Means under RICO!

As we intend on informing the court and the criminal justice System that you have continued to harass and threaten criminal implicative criminal action against my wife and myself, to gain as civil result well more than three times, as part Of the conspiracy that you are in charge of Ray Green and Peter Spitalny. a/k/a The RGPSCE

We also will be filing additional emergency motions to immediately remove you and your law firm for your unlawful acts and attack and assault and battery today from all cases involving us and will be filling for an immediate dismisall of the instant cases, as a sanction against you and the Spitalnys for your continued roll In this criminal enterprise.

You are an animal and you believe you operate above the law and you and your "clerk insider" will be exposed for you nefarious abuse and manipulation of the legal system. Your games are over and we intend to forwarding all our most recent motions, email communications to the FBI, US Attoreny and the Boston Police department. In hopes the entire scheme of "loan sharking" you, Gesmer, Arentfox, Ray Green and the Spitalnys have truly been unlawfully perpetrating against my family, my wife and my legitimate business will finally be exposed and the authorities will bring swift justice to all guilty parties including yourself, for your unlawful acts.

May god seek his vengeance upon you, as my wife lay lifeless on the floor of your old law firm, as you attacked me, when I was trying to save her.

Your Games are Over !

Nicholas and Tracy Fiorillo

On Jun 6, 2022, at 9:45 AM, nicholas fiorillo  
<metrowestrealty@yahoo.com> wrote:  
Gentlemen,

We have been trying to reach someone at the law offices of Gesmer that currently has a Law Degree all morning. We have now called and emailed over 5 different times this morning to discuss the attached request for an emergency stay of this case pending the adjudication of the pending motion to disqualify.

Your failure to conference with us has made these set of motions a true emergency. As it is clear your gaming of the judicial system has come to an end as you have. Now you "run & hide" and won't even call us back or answer our emails has pushed this to a full blown judicial review of your nefarious actions. This could of been simply avoided if you conducted our properly requested Rule 9 C conference this past Friday.

Nicholas Fiorillo  
Sent from my iPhone

Begin forwarded message:

**From:** nicholas fiorillo <metrowestrealty@yahoo.com>  
**Date:** June 6, 2022 at 9:14:19 AM EDT  
**To:** beatriz.van-meek@jud.state.ma.us  
**Subject: Emergency Motion(s) Spitalny v Fiorillo et al BLS1 Judge Salinger**  
Dear Ms Van-Meek,

We are requesting to have the above motions heard on an emergency basis this morning in front of Judge Salinger. As he was officially assigned to this case on March 28, 2022 in the BLS1 Business session, as attached below the assignment to his session for your reference.

We have included the following emergency and substantive supporting motions to be heard today, under an emergent basis because of the blatant "stone walling" of opposing counsels refusal to conference under rule 9C, this past Friday. In addition to Judge Krupps refusal to allow 30 day leave to obtain counsel as Attomery Masterson was terminated from representation in due coarse.

There is a deposition schedule for 10 AM this morning that cannot go forward because of the apparent reasons contained in the motions where there is a clear basis to continue such and the request for 30 day stay of these proceedings is warranted.

Our motions e-filed this morning and electronically served on opposing counsel are as follows:

1. Emergency Motion to Stay pending Motion to Disqualify & Demand for Pay Off
2. Emergency Motion to Recuse Judge Krupp
3. Motion to Dismiss Contempt against Tracy Fiorillo Pro Se

Attorney Shawn Masterson is available via zoom, to be heard on his motion in support of our emergency motions.

Thanks

Nicholas Fiorillo & Tracy Fiorillo  
Pro Se  
508 776 7219

**From:** smasters  
on@sdmlawgroup.com  
**Date:** June 6,  
2022 at 8:20:47  
AM EDT  
**To:** NICHOLAS  
FIORILLO  
<metrowestrealty@yahoo.com>  
**Subject:** [FWD:  
Samuel  
Spitalny et al v  
Nicholas  
Fiorillo, et al  
2184-cv-2894  
EMERGENCY  
MOTION]

Shawn M. Masterson, Esq.  
Partner  
Shapiro Dorry Masterson, LLC  
145 Waterman Street  
Providence, RI 02906  
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Licensed in MA, RI, CT, NH, VT

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----- Original Message -----

**Subject:** Samuel Spitalny et al v Nicholas Fiorillo, et al 2184-cv-2894  
EMERGENCY MOTION  
**From:** <[smasterson@sdmlawgroup.com](mailto:smasterson@sdmlawgroup.com)>  
**Date:** Fri, June 03, 2022 3:25 pm  
**To:** "beatriz.van-meek@jud.ma.state.us"

<beatriz.van-meek@jud.ma.state.us>

Cc: "NICHOLAS FIORILLO" <metrowestrealty@yahoo.com>, "Tracy Fiorillo"  
<tracymfiorillo@gmail.com>, "Kevin Peters" <Kevin.Peters@Gesmer.com>,  
"Michael Brier" <Michael.Brier@Gesmer.com>, "Lauren Haskins"  
<Lauren.Haskins@Gesmer.com>

Ms. Van Meek,

This matter is now in the business session. Attached is a motion in support of the Emergency Motion that is being filed by Tracy Fiorillo, a non party in this case. She is filing the Emergency Motion today for Judge Salinger's consideration. She will be requesting a zoom hearing today. I will efile this as well.

Regards,  
Shawn

Shawn M. Masterson, Esq.  
Partner  
Shapiro Dorry Masterson, LLC  
145 Waterman Street  
Providence, RI 02906  
(401)455-0002  
(866)484-9499  
Licensed in MA, RI, CT, NH, VT

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EXHIBIT 3

(see attached PDF of Criminal Complaint Forms and Notice of Criminal Clerk-MAGISTRATE  
Hearing Notice scheduled for July 15<sup>th</sup> 2022.

EXHIBIT 4

(see attached transcript and audio attachments from the court order stenographer of the Morning of June 6<sup>th</sup> 2022 and Attack, Assault and Battery Committed by Mr Peters against the Fiorillo's)