

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

SUPERIOR COURT
CIVIL ACTION NO. 21-2950 6

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

Plaintiff

v.

LOUIS DELPIDIO and NICHOLAS FIORILLO

Defendants

And

GOTCAPITAL, LLC,
GOTSPACE DATA FUND ONE, LLC,
GOTSPACE DATA PARTNERS LLC,
GOTSPACE DEVELOPMENT LLC,
OCEAN DEVELOPMENT PARTNERS, LLC,
OCEAN DEVELOPMENT PRECINCT I, LLC,
OCEAN INVESTMENT HOLDINGS, LLC,
OCEAN VACATIONS, LLC,
OCEAN VACATIONS REALTY TRUST
ONE SEVEN ONE LLC, WONDERLAND
PROPERTIES, LLC, TREMONT
ENTERTAINMENT ENTERPRISES, INC., W
LOFTS DEVELOPMENT, LLC, OCEAN
REALTY PARTNERS, LLC, GOTSPACE DATES
EQUITY FUND I, LLC, GOTSPACE SELF STORAGE
HOLDINGS, LLC, GOTSPACE MANAGEMENT, LLC,
GS BEVERLY, LLC, GS GLOUCESTER, LLC
GOTSPACE BEVERLY LLC, AND
GOTSPACE GLOUCESTER, LLC

Reach and Apply Defendants

SUFFOLK SUPERIOR COURT
CIVIL CLERK'S OFFICE
2022 MAR 21 P 4:29
CLERK / MAGISTRATE

**EMERGENCY JOINT SUPPLEMENTAL MEMORADUM IN SUPPORT OF
DEFENDANTS' MOTION FOR COMFORT ORDER AND FOR HEARING TO
DETERMINE AMOUNT OF SURETY BOND**

Now comes, Nicholas Fiorillo, pro se along with the reach and apply defendants and plaintiffs in counter claim, Gotcapital, LLC, Gotspace Data Fund One, LLC, Gotspace Data Partners, LLC, Gotspace Development, LLC, Ocean Development Partners, LLC, Ocean Development Precinct I, LLC, Ocean Investment Holdings, LLC, Ocean Vacations, LLC, Ocean Vacations Realty Trust, Ocean Realty Partners, LLC, Gotspace Equity Fund I, LLC, Gotspace Equity Fund 1, LLC, Gotspace Self Storage Holdings, LLC, Gotspace Management, LLC, GS Beverly, LLC, GS Gloucester, LLC, Gotspace Beverly, LLC, Gotspace Gloucester, LLC (together the "Defendants and Plaintiffs in Counter Claims") and submits this Memorandum in Support of its Motion for Comfort Order and to Determine Amount of Surety Bond.

In further support of the request Defendants state as follows:

1. Nicholas Fiorillo, through his corporate control of the Defendants et al reach and apply defendants, GS Gloucester and GS Beverly have entered into negotiations to sell the two storage facilities to their publicly traded strategic operating partner Life Storage (LSI NYSE). The imminent sale is in excess of \$45 million. A copy of the letter of intent and email from Stephen Quillinan, now a defendant in counterclaim in the associated case, is clearly tortuously interfering in such sale and is conspiring with Attorney Kevin Peters, in such sale to extort monies and assets not due or owing. (exhibit 1)
2. Whereas, Attorney Peters and Quillinan, with the sale imminent, are now demanding upwards of \$11,500,000 from such sale proceeds, a new \$5,000,000 dollar demand, they are not entitled nor have actionable claims against in the related case. Attorney Peters continues to aid and abet the unlawful collection of a usurious debt, clearly not due or owing. The Quillinan and Peters email and attached LOI they kept from Fiorillo, et al

since at least March 8th, clearly establishes that the proposed sale of GS Beverly and GS Gloucester is bona fide, but what is most disturbing is that they both have been acutely aware of such sale and upwards of \$15,000,000 due GS Beverly and GS Gloucester for many months. Attorney's McLaughlin, Peters, Neggos and Reir have all misled this court, from the onset of their suspect and consorted collection action, Fiorillo and the Gotspace and Ocean Development companies, where on the verge of bankruptcy, insolvent and had misappropriated millions of dollars.

3. Clearly both Green and the Spitalny's consorted actions to “derail, interfere, gas light, corrupt and scuttle and sabotage, not only the sale of the self-storage assets, but also the Ocean Development's, \$10,000,000 Newton redevelopment refinance and upwards of \$100,000,000 Gotspace Data Partners, data infrastructure VC funding investment, was all part of their illicit plan to loan to own Fiorillo's entire development portfolio.
4. Where Fiorillo and Ocean and Gotspace development companies, since the commencement of this joint and consorted unlawful debt collection action, brought by Green and the the Spitalny Family. Was in a fact, a victim of a sophisticated and consorted effort to “loan to own” and financially bankrupt Fiorillo and his corporations. It is obvious, with over 10 different reach-and-apply defendants and Fiorillo individually, being extorted to “pay up and turn over” or else be financially ruined and quite possibly killed. Where this group of “loan sharks” have yet to provide any quantifiable pay-offs, offsets, credits, per diem or full accounting of any alleged debts that they so claim is owed.
5. Neither have filed any proof of claims in the two Chapter 11 Bankruptcies or have bothered to even to take one step forward, to an amicable settlement or mitigation of such

claims, of their now consolidated actions that Green and the Spitalny's are conspiring to unlawfully collect. Their illicit plan to place the defendants on debtors "death row", and silence their victims from exposing their sophisticated predatory loan to own scheme, is now exposed.

6. This group of "bad actors" have always know Fiorillo et al, had many tens of millions of dollars in readily available equity in cash and assets, to secure any pre-judgement protections, in the extremely unlikely event the Plaintiffs would prevail in their, consorted, suspect and clearly questionable debt collection activities.
7. Green and Spitalny's have always know that the GS Data and GS Storage development businesses, were quite capable of realizing upwards of \$150,000,000 in equitable value creation and they all new their was upwards of \$15,000,000 to \$20,000,000 in capital coming from the sale of the storage assets, in the ordinary coarse of Fiorillo's development businesses, of the reach and apply defendants.
8. Fiorillo and the Ocean and Gotspace entities, now plaintiffs in counter claim. seeking upwards of \$100,000,000 million in damages against both the Green and S & Q Data, S & J Storage Bros. LLCs and the individuals Raymond Green, Joan Green, Peter Spitalny, Jake Spitalny, Samuel Spitalny and Steve Quillinan, of which some of these individuals are previously convicted felons, money launders, on multiple Federal "watch lists" for their continued criminal associations with organized crime figures and questionable business associates.
9. Plaintiffs, Defedants in counterclaim, Raymond C. Green Inc., as Trustee of the Raymond C. Green Trust ("RCG") currently has only two (2) outstanding loans that are actually truly subject to this collection action against the Defendants, Nicholas Fiorillo and his

corporate control of the Ocean and GotSPACE associated companies that are subject to these cases.

10. The loans are related to the following properties and are such amounts Green purports to be owed are inclusive of suspect and illicit claims of usurious interest, loan fees, late fees and legal fees, that are not due or owing. In some instances, in excess of over 150%-350% in unconscionable interest, that run rampant over the Rhode Island, Connecticut and Massachusetts usury laws. In addition these amounts claimed to be owed, do not take in to consideration the over \$12,500,000 in previously paid principal, usurious interest and unconscionable lender fees paid on account, in just over the last 18 months, to the Raymond C Green Entities, nor the \$9,650,000 balance of funds that S & Q Data has yet to fully advance.
11. Whereas as even in the numerous and suspect supplemental affidavits filed by Raymond Green in this instant case, where he continues to purport his ever changing claim of usurious interest that ranges between 150%-350% in ill gotten monies that he claims is owed.
12. In addition, as the Spitalny's continued their efforts, through S & Q Data and S & J Storage Bros, to extort even more equity and control of the of GotSPACE Data Equity Fund shares and wrestle control of the data opportunity. It is crystal clear, post the August 4th repayment of the \$5.15 million dollar note and the issuance of the \$9.65 million dollar note. The Spitalny's and their corporate entities have defaulted on their loan obligations to GotSPACE Data Equity Fund, and still owe \$3.5 million yet to be advanced to the GotSPACE Entities. Where their continued consorted conspiracy with Raymond Green and their other criminal associates, continued to demand more equity, more control and shares

in from the GSDEF. Whereas the corporate call excerpts detail such predatory actions of the consorted efforts of the Ray Green & Spitalny "loan to own" racketeering enterprise (exhibit S & Q Data call excerpt)

13. We direct the court to listen to just 4 of the more than 40 excerpts of recorded calls, that details and exposes the ongoing criminal loan to own racketeering enterprise being perpetrated by Green and the Spitalny's and their associates against Nicholas Fiorillo and the Ocean and Gotspace companies. Which through the preponderance of the limited evidence presented in these actions by Fiorillo et al and now proffered to the Federal Authorities, prove that they is clear, certain and irreparably harm to Fiorillo et al. The true victims of the Raymond Green, Peter Spitalny, criminal loan to own racketeering enterprise. (exhibit RCG & Spitalny call excerpts)
14. Clearly, Green can been heard attempting to charge an additional almost \$700,000 on the 190 Mt. Vernon Ave Newton loan, and failed to credit the almost \$1,000,000 of proceeds from the sale of Lot "B" from the 2018 purchase and simultaneous sale of the adjacent lot located at 188 Mt Vernon Street. Albeit, to an insider of his, and not credit such monies to the loan balance. A "crystal clear" almost \$1,700,000 dollar accounting error, he clearly is admitting he was not owed, nor entitled to. (exhibit RCG Call excerpt)
15. In addition the call excerpt details a 10 year business practice of Green, where he admits he does not charge monthly payments, and jokes "I don't care if I did it for 100 years" (no monthly paymets), clearly using the threat of such "bait & switch" parole practices to further intimidate his borrower to "surrender to his criminal demands". Or else face illicit foreclosure, financial and and in some instances, bodily harm, at the hands of himself and the Spitalny's and the other members of his illicit predatory racketeering enterprise. As

both collection actions in front of this court are suspect and criminal in nature. Whereas since the instant these actions were filed against Fiorillo et al, both Green and Spitalny's and their counsel's false narrative that has been consistently pleaded to this court has been that Fiorillo was an embezzler, on the verge of insolvency, judgment proof and had no assets to secure their money damage collection action. This could not be farther from the truth, Green and the Spitalny's have been 1st secured lenders, that have consistently mislead this court and have systemically stated they possess no security in any real property or assets of Fiorillo et al, that they were not horrible "under water with". As further delineated in the collateral offset table, Green's 1st secured collateral interest have between \$4,500,000 - \$16,000,000 in equity over and above his suspect 1st mortgage claims and upwards of \$100,000,000 in potential reach-and-apply equitable assets as well.

Equitable Collateral Offset Table	AS-IS	Offset (+/-)	AS-FIN	RCG
190 Mount Vernon,	\$2,750,000	+ 250,000	\$4,900,000	\$3,000,000
156 Grant Avenue ,	\$3,850,000	+ \$1,000,000	\$6,900,000	\$2,850,000
188 Mount Vernon, Lot "A" 1 st Mort	\$1,000,000	+ \$1,000,000	\$1,000,000	
188 Mount Vernon, Lot "C" Extorted	\$1,000,000	+ \$1,000,000	\$1,000,000	
GotSPACE Data Equity Fund	\$50,000,000	-\$30,000,000	\$450,000,000 +/-	
GotSPACE Beverly/Gloucester	\$45,000,000	-\$30,000,000		
18 Mill Street, Southbridge	\$1,800,000	+\$1,300,000	\$8,500,000	\$500,000
Sub-Total	\$10,400,000	+\$4,550,000	\$22,550,000	\$6,350,000
	AS-IS	RCG	\$4,550,000	(over collateralized)

AS-FINISHED RCG \$16,200,000 (over collateralized)

AS-IS S&O \$20,000,000 (over collateralized)

AS-FINISHED S&O \$420,000,000 (over collateralized)

AS-SOLD to LSI S&J \$15,000,000 (over collateralized)

16. Based upon the above table and supported documentation and testimony given of values, the AS-IS condition of the assets before development is complete, there is sufficient equity to secure the outstanding obligations in the form of recorded mortgages and thus no surety bond is required, being that there is \$4,550,000 in equity above and beyond the alleged debts claimed to be owed by RCG and over \$16,200,000 in value once the Newton and Southbridge Development projects of Ocean and GotSPACE are complete.
17. This does not take into account the \$1,700,000 million that Green can be clearly stating he has already received, but is yet to credit or offset from the 2018 purchase and simultaneous sale of Lot "A" that is now 188 Mt, Vernon, a \$4,300,000 luxury home that Ocean has a 1st superior \$1,000,000 mortgage and claim to all the profit from the RCG/ODP joint venture development agreement that RCG has defaulted on.
18. As the Green Entities and their counsel are well aware, ODP seeks to proposed a Chapter 11 Plan of Reorganization in which the ODP will pledge additional properties to RCG to lessen the onerous bond requirement and will look to realize the upwards of \$16,000,000 in development profits in the Newton and GotSPACE Self-Storage developments. This is not including the upwards of \$150,000,000 in equitable value creation from the GotSPACE Data Partners development of the New England Data Corridor, that both Green and the

Spitalny's are attempting to "loan to own" away from Fiorillo's Ocean and Gotspace affiliate development companies.

19. In addition, to the above security, RCG has outstanding loans secured with mortgages on the Fiorillo Family home which has an additional \$1,500,000 in equity.
20. Thus, in addition to the pledge of 188 Mount Vernon and 188 Mount Vernon Lot A, B RCG would be over-secured by upwards of \$16,000,000 million.
21. If RCG objected to the Chapter 11 Plan, it could seek relief and foreclose on its mortgages. Clearly there is a concerted effort by the Greens and the Spitalny's to commit Ocean and the Gotspace Corporations and Nicholas Fiorillo to a modern day Chateau d'if type of debtors prison, in hopes to complete their criminal "loan to own" objectives and silence the cross-claims from their borrowers forever.
22. Based upon the above there is tens of millions in equity cushion available to RCG to and S & Q Data and S&J Storage Bros, Fiorillo et al, is ready willing and able to secure payment now in either a bond or equivalent, that is determined by the offset of the 1st mortgage collateral and equitable position the Plaintiffs have security in now, in the event that RCG and/or S & Q Data and S & J Storage Bros are eventually successful in this in their unlawful debt collect actions in front of this court.

WHEREFORE, the Defendants and Plaintiffs in counter claim respectfully requests that the Court grant the Motion for Comfort Order, provide an equitable offset against what the 1st secured positions of the Plaintiffs are currently secured with and order the monetary amount to be bonded and/or another acceptable pre-judgement security the court so wishes that is far reasonable and equitable.

Respectfully Submitted By
Defendants,
Nicholas Fiorillo, pro se,

/s/ Nicholas Fiorillo
Nicholas Fiorillo
metrowestrealty@yahoo.com
508-776-7219

Dated: March 21, 2022

CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2022 I submitted a copy of this Motion for
Comfort Order to all counsel of record.

/s/ Nicholas Fiorillo
Nicholas Fiorillo, pro se