

COMMONWEALTH OF MASSACHUSETTS

LW

SUFFOLK, ss.

SUPERIOR COURT  
CIVIL ACTION NO.  
2184-CV-2894BLS1

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

Plaintiffs, )

v. )

NICHOLAS FIORILLO and GOTSPACE DATA )  
EQUITY FUND, LLC )

Defendants. )

And )

NICHOLAS FIORILLO, )  
GOTSPACE DATA EQUITY FUND 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, AND )  
GOTSPACE GLOUCESTER, LLC )

Reach and Apply Defendants

**VERIFIED EMERGENCY MOTION TO RECUSE JUDGE KAZANJIAN**

Comes the Defendant, Nicholas Fiorillo, Pro Se, (“Defendant” or “Fiorillo”) and Tracy Fiorillo, third party witness and Defendant Contemnor, and move to recuse Hon. Hélène Kazanjian, from the above entitled matter, under Supreme Judicial Court Rule 1:2 and Massachusetts Article 29 Whereas. Defendants are well within his rights, and for those reasons set forth in his accompanying affidavit, hereby move the Honorable Judge Kazanjian to recuse herself, due to a clearly demonstrated pattern of abuse of process founded in materially prejudicial bias, in violation of the canons of her appointed position. This motion and detailed

affidavit so submitted under seal, fall squarely Under 28 U.S. Code § 455 - Bias or prejudice of judge, wherein:

***"The neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the facts or the law."***

This emergency motion is filed properly, and complies in all respects with Mass. R. A. P. 15(a) and Mass Supreme Judicial Court Rule 1:22 (b). Defendant Fiorillo and Defendant Contemnorr Tracy Fiorillo file this Verified Motion to Recuse under such an emergency basis, as Judge Kazanjian has, from the onset of her presiding over the Defendants' cases, clearly demonstrated a pattern of materially prejudicial biases against pro se litigants Fiorillos, and Nicholas Fiorillo's related affiliated development companies. Judge Kazanjian, this past June 14<sup>th</sup> 2022, was the sitting Emergency Judge on the morning that Nicholas Fiorillo, as Plaintiff, filed the action captioned *Ocean Vacations Realty Trust v Raymond C Green, et al*, and she refused to hear the litigants' ex-parte motion, to enjoin the matter of 3 Kales Way, Harwich, MA and 156 Grant Avenue, Newton, MA, after such case was assigned to Judge Salinger. It was she and Clerk Van Meek who conspired on the morning when Judge Kazanjian was the emergency rotation Judge, to block Fiorillo's request for an emergency hearing that morning and, to conspire with Clerk Van Meek, Assistant Clerk Magistrate Powers, Clerk Gloria Brooks and the Honorable Judge Krupp, to prevent Fiorillo's ex-parte relief motion from being not only heard that morning, but pushing it so late that afternoon, long after the emergency relief could be affected, to stop such unlawful sales. Earlier that morning a Clerk called opposing counsel, no less than five minutes after the action was filed, and informed Attorney Nicholas Nesgos of the ex-parte hearing. Fiorillo's unrelated action should have been properly assigned to the Supreme Justice Salinger. However, Judge Kazanjian, Judge Krupp and their suspect clerks, jockeyed the docket and court rooms around in a deviant shell game, to the detriment of Fiorillo. It is clear as far back as the hearing on June 14, 2022, that Fiorillo's relief request was denied by Judge Krupp in error. Judge Krupp had been exposed for his participation in aiding and abetting Attorney Peters' and

Boston Police Detective Powers' June 6, 2022 "sting investigation," which landed Tracy Fiorillo in the hospital, as a direct result of attorney Kevin Peters' assault and battery on her. As both Plaintiff and Defendant, in his individual capacity, Nicholas Fiorillo has now noticed such demand for her immediate removal, while Judge Kazanjian has continued to violate case law. With regard to this most recent hearing, Judge Kazanjian had zero reservation about issuing a series of Default Judgments, all without merit. As she purported to be unfamiliar with the complexities of the related debt collection cases, Judge Kazanjian relied upon the external influence of fellow Judges Krupp and Ricciuti, issuing default rulings based upon groupthink bias, rather than sound principles of law. Under the "appearance of impartiality standard" of § 455(a), the test is "what an objective, knowledgeable member of the public, would find to be a reasonable basis for doubting the judge's impartiality," and it is commonly held that "a reasonable person might question the judge's ability to preserve impartiality," is enough. To the objective observer, adopting the brand of judicial mores previously applied by others to this case, rather than forming an independent opinion based upon facts, is the epitome of a lack of impartiality.

Judge Kazanjian and clerks of the Court who report to her, continue "gas-light" and block my prudent and timely filed motions. With tacit, if not express consent by the Judge, Clerk Van Meek and others, and have systemically failed to:

1. Docket/ Serve Properly Filed Motions by Nicholas Fiorillo et al;
2. Block Access by Fiorillo, to the Court FM Recordings of such Hearings
3. Unlawfully edit and redact specific and key parts of Oral Arguments
4. Systemically Not File or File late such Timely Filed Motions
5. Prevent, Block and Freeze out Nicholas Fiorillo from Zoom Hearing Links and take part in a Judge/ Courtroom Shuffle, to Prevent Emergency Motions and Forced re assignments back to previously conflicted Judges.

As an example of the treatment of pro se Defendant Fiorillo, which would not have been given to a represented litigant, an email from FTR support to Mr. Fiorillo, with regard to an audio transcript request made for for *BSI Westfield v Nicholas Fiorillo* 2284CV00066 for the date of July 25, 2022, served to unequivocally confirm that the Court had blocked Mr. Fiorillo from access to his own civil proceedings.

An excerpt from a communication from FTR dated August 19, 2022, reads as follows:

***Please see email below from FTR support regarding the missing audio for your transcript request: (See: Exhibit A)***

***You will need to contact the Suffolk Superior Court Civil Clerk's Office to request that this audio be unsealed. If you have any questions, please let me know.***

A follow-up communication from FTR dated August 22, 2022, further advises:

***Yes the order has been sealed by the courthouse and will require judges approval to unseal.***

But not for his pro se representation, Mr. Fiorillo would have never been subjected to a Court Order sealing his case records, as one can only imagine the uproar by Defense Counsel, were he or she to be literally locked out from not only Zoom, but court records. **(See: Exhibit B)**

A standard definition for the term “bias,” reads: “Inclination; bent; prepossession; a preconceived opinion; a predisposition to decide a cause or an issue in a certain way, which does not leave the mind perfectly open to conviction.” Any or all of the above in this matter, may be applied to Judge Kazanjian, who engaged in an incorrect use of the law, when ignoring the facts before her. When Judge Kazanjian learned from opposing counsel and Judges Krupp and Ricciuti, that Judge Ricciuti had challenged Defendant Fiorillo on several occasions, in open court and on the record, during the hearing on the captioned matter held on August 10, 2022, she formulated the same preconceived opinion in her mind, that this Pro Se litigant must have been less than truthful about medical circumstances.

Judge Kazanjian sanctioned Defendant Fiorillo for failure to comply with Discovery, denied Defendant's Motion to Stay and Motion to Disqualify Attorneys, which were default entries for failure to appear, even though Defendant provided proper notice of his inability to be present in Court that day, and denied Defendant Contemnors' Motion to Dismiss due to "non-appearance," when she was caring for her husband after his pre-noticed medical procedure. In issuing such deficient rulings, Judge Kazanjian opted for a predisposed conclusion which aligned with that of Judge Ricciuti, who repeatedly called the veracity of Defendant Fiorillo's explanation for his absence at the August 10th hearing into question, simply because the defendant declined to reveal health information protected under HIPAA.

The rationale cited by Judge Kazanjian when entering a series of Default judgements against Defendant Fiorillo, was that if he was able to draft motions to appear via zoom and make timely filing with the court, then he was able to attend the hearing in person. There was no legal rationale behind finding Tracy Fiorillo in contempt, simply for attending to her husband after a medical procedure. Defendant Fiorillo, prior to the hearing, had emailed and called Clerks Brooks, Van Meek and even Powers, and all opposing counsel, in his vigilant attempt to be heard via Zoom. (see emails) It is now clear that Judge Kazanjian and her Clerk were clearly aware that Fiorillo: 1. Had filed proper motions, and served them well prior to the 2:45 p.m. stark time; 2. Knew that the clerks were "stonewalling" him, and even blocking Zoom access to hearings; 3. Saw the blatant gaslighting he was being subjected to, such as clerks claiming that Zoom operable, COVID rules, etc. (see emails). Judge Kazanjian has blatantly and recklessly "gamed the legal system," along with fellow Judges Krupp and Ricciuti, and their clerks, against pro se Defendant Fiorillo, in all the related cases. All such conduct of Jurist malfeasance is actionable, and the entirety of the proceedings has fallen to a level of such corruption, that the entire Suffolk Courthouse should be rid of it. The conclusion reached by Judge Kazanjian which led to her rulings was incorrect as to application of law, and completely prejudicial against a pro se defendant. Anyone who has been scheduled themselves, or has had a family member scheduled

for surgery, is familiar with pre-tests and medications required to be taken the day prior to a medical procedure. As in Defendant Fiorillo's case, within 24 to 48 hours after an operation during which the patient was under general anesthesia, a bare minimum of 24 hours of postoperative recovery is mandatory. Defendant Fiorillo was instructed by his doctor and anesthesiologist when he was discharged, that he was restricted to bed rest, restricted from driving, and advised not make any important life or business descensions. The prescribed medications strictly prohibited these activities for at least 24 hours from hospital discharge, which applied to Defendant Fiorillo, and why it was necessary for him to file a Motion for Appearance via Zoom. Knowing full well the problems with Zoom in the past, was all the more reason why a default should not have been entered by Judge Kazanjian.

### **Canon 2, Rule 2.2 Impartiality and Fairness**

Under Rule 3:09 of the Code of Judicial Conduct, Canon 2, "a judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially." To ensure impartiality and fairness to all parties, a judge must be objective and open-minded, and it is by no means a violation of this Canon, for a judge to make reasonable accommodations, in order to ensure self-represented litigants are provided the opportunity to have their matters fairly heard. Under Rule 2.6 of Canon 2, the right to be heard is an essential component of a fair and impartial system of justice. Substantive rights of litigants can be protected only if the procedures protecting the right to be heard are observed. Accordingly, not only *may* a judge make reasonable efforts, consistent with the law, to facilitate the ability of all litigants, including self-represented litigants, to be fairly heard, the very concept of justice requires that they *must*.

The actions of Judge Kazanjian by: (1) questioning the veracity of Defendants' proffered reasons for not being able to be in attendance at a hearing held on August 10, 2022; (2) concluding that Defendant intentionally misled the court for his own advantage; (3) not conducting her own research, by ordering transcripts from previous pretrial hearings, and; (4)

entering rulings of default as if Defendants were willful no-shows rather than procedurally excused from attendance based upon prior notice and circumstances stemming from the nature of such notice, clearly demonstrate this Jurists' bias. Thus, Defendant Fiorillo's fear that he will not receive equitable consideration by Judge Kazanjian, is well-founded, objective, and reasonable. It is clear to this Pro Se Defendant, the Court's continuing demonstrable prejudice against him.

Whenever a judge enters into the proceedings as Judge Kazanjian did here, only to become a participant or an advocate for a particular belief, a shadow is invariably cast upon judicial neutrality. Judges are held to a high standard, which requires them, at all times, to avoid the appearance of favoring one party in an action over the other. By joining Judge Ricciuti in jumping to the conclusion that Defendant Fiorillo's failure to attend the August 10th hearing was By design, and not, in fact, justified by the explanation previously provided with due notice, Judge Kazanjian clearly gave off an appearance of bias, in favor of Plaintiffs, against a pro se defendant. Accordingly, where there is any legally sufficient basis, whether factually accurate or not, *for a founded fear of possible prejudice to exist in the mind of Defendant*, recusal is mandated.

The Canons of judicial conduct require that a "judge shall... perform all duties of judicial office impartially." MD R JUDGES Rule 18-102.2. In determining the legal sufficiency of a motion to disqualify, a court looks to see whether the facts alleged, would place a reasonably prudent person in fear of not receiving fair and impartial treatment from the trial judge. During the pendency of this case, certain actions were taken and statements made by the Court, the significance of which was not lost on Defendant Fiorillo, and apparently not lost on Judge Kazanjian either, who subscribed in knee-jerk fashion, to the actions and statements of other judges, which clearly evidenced bias against a Pro Se Defendant, and entered default rulings accordingly.

Defendant Fiorillo is warranted, therefore, in his subjective fear that he will not receive a fair trial or hearing. Additionally, this fear is also objective, as it is based on demonstrable, extant facts replete in the record, both written and oral, of the proceedings. Accordingly, Defendant Nicholas Fiorillo has shown an objectively reasonable fear that he will not receive either a fair trial or fair hearings in this cause, based on a specifically described, continued prejudice, on the part of this Court.

WHEREFORE, based upon the foregoing, Defendant Nicholas Fiorillo and Defendant Contemnor Tracy Fiorillo have been clearly harmed by entries of default by Judge Kazanjian, requiring her immediate recusal for all of the reasons verified in this emergency complaint above, pending full adjudication of this action. Defendants pray that the Honorable Court enter an Order of Recusal.

Respectfully Submitted,

Nicholas Fiorillo and Tracy Fiorillo  
Pro Se Pro Se

/s/ Nicholas Fiorillo /s/Tracy Fiorillo  
Nicholas Fiorillo Tracy Fiorillo pro se  
3 Kales Way  
Harwich Port, MA 02646-1936  
Tel: (508)-776-7219  
metrowestrealty@yahoo.com

Dated: August 22, 2022



# EXHIBIT A

**From:** IT Service Desk <[support@fortherecord.com](mailto:support@fortherecord.com)>  
**To:** "metrowestrealty@yahoo.com" <[metrowestrealty@yahoo.com](mailto:metrowestrealty@yahoo.com)>  
**Sent:** Friday, August 19, 2022 at 11:07:57 AM EDT  
**Subject:** FTR Support - Case CS0068792 Reviewed

**FTR Support has reviewed your case.**

A comment has been added to case CS0068792 by our technical support team.

Short description: Unable to submit registration - Contact customer Name: Nick Email: [metrowestrealty@yahoo.com](mailto:metrowestrealty@yahoo.com)

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<b>Date</b>	<b>Comment</b>	<b>Made By</b>
2022-08-10 14:29:29 GMT	Hello Nick, Sorry to hear you are having difficulties logging into our support portal. Will you please verify your first and last name and email address so we may create your account? Look forward to your confirmation. Best regards, FTR Support Team	Zachary
2022-08-11 12:35:44 GMT	Hello Nick, Sorry to hear you are having difficulties logging into our support portal. Will you please verify your first and last name and email address so we may create your account? Look forward to your confirmation. Best regards, FTR Support Team	Zachary
2022-08-11 19:34:05 GMT	Hello Nick, Thank you for the reply, sorry to hear that you've had login issues for so long. Happy to assist. Are you available for a phone call tomorrow? What website are you trying to access? Best regards.	Zachary
2022-08-12 13:23:53 GMT	Hello Nick, Happy to assist. Please call me directly at 720-617-2505. Look forward to getting you up and running. Best regards.	Zachary
2022-08-19 15:07:27 GMT	Hello Nick, Do you still require assistance? Happy to assist. Are you trying to access a Court FM account to request audio or the FTR support portal? Please call me directly at 720-617-2505. Look forward to getting you up and running. Best regards.	Zachary

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**From:** IT Service Desk <[support@fortherecord.com](mailto:support@fortherecord.com)>  
**To:** "metrowestrealty@yahoo.com" <[metrowestrealty@yahoo.com](mailto:metrowestrealty@yahoo.com)>  
**Sent:** Friday, August 12, 2022 at 09:24:25 AM EDT  
**Subject:** FTR Support - Case CS0068792 Reviewed

**FTR Support has reviewed your case.**

A comment has been added to case CS0068792 by our technical support team.

Short description: Unable to submit registration - Contact customer Name: Nick Email:  
[metrowestrealty@yahoo.com](mailto:metrowestrealty@yahoo.com)

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<b>Date</b>	<b>Comment</b>	<b>Made By</b>
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2022-08-12 13:23:53 GMT	Hello Nick, Happy to assist. Please call me directly at 720-617-2505. Look forward to getting you up and running. Best regards.	Zachary

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**From:** NICHOLAS FIORILLO <[metrowestrealty@yahoo.com](mailto:metrowestrealty@yahoo.com)>  
**To:** Tracy Sullivan <[Tsullivan@fortherecord.com](mailto:Tsullivan@fortherecord.com)>  
**Sent:** Wednesday, August 17, 2022 at 03:36:36 PM EDT  
**Subject:** Re: For The Record CS0068709 CourtFM

Tracy,

I am certain that the clerks as Boston Suffolk court have prevented me from accessing the recordings. Please provide me a history of how many times we logged in, the times they refused to accept me and also please get me properly signed in.

I was told from a "good clerk" , who wants to remain anonymous, that Van Meek, Brooks and Powers are blocking my our ability to access the recordings.

Please contact me today at 508 776 7219 and also the 5 links to re-log in have failed each and every time and the 10 or 12 different times we tried to log in we were denied.

This defeats the whole process of law and the justices system.

Please help

Thanks Nick

On Wednesday, August 17, 2022 at 02:53:54 PM EDT, Tracy Sullivan <tsullivan@fortherecord.com> wrote:

Good Afternoon,

My name is Tracy Sullivan, I am a Customer Experience Auditor at For The Record. You recently contacted our service desk, where Michelle helped create a CourtFM account for you. Have you had any further trouble getting in to your account?

We're conducting customer experience audits to identify opportunities to improve our internal processes. If you have a moment I would like to hear about your experience. Was this issue fully resolved, and to your satisfaction? Was the information provided helpful? Any feedback you have on how we can improve the speed and quality of our service?

We are always looking for ways to better our service, and your feedback is an invaluable part of that process. I look forward to hearing from you and appreciate your time.

If you plan to make an audio request, here's some helpful information:

Info RE: Audio Requests:

The link to request audio/transcriptions on our site is a direct link to the clerk at the specific courts. Since they are solely the ones who manage audio approvals, questions regarding specific requests/approvals/denials can only be answered by the clerk at the court.

After adding in all the audio request information, be sure to click "Add Date" and then click "Submit Request", which will submit your request and generate an audio request number. The audio request number in your Courtfm will be a clickable hyperlink. When clicked, it will open details specific to that request and the court's notes will be visible on that opened page under "History", which is all the down at the bottom of the page. You can watch progress for your approval there. Often it takes the clerks roughly 2-5 days to approve audio requests.

Once your audio is approved, you'll be prompted with an option to "Pay to Play". Once paid (typically appx \$10), you'll be able to click into the audio to hear it, and there will be an additional button present in the audio area, to order transcripts from the court for that specific audio, if you need that as well.

If for some reason you ever have an audio request that gets denied, the courts will update in that same "History" area as for the reason why it was denied. Often denials occur when the courtroom is listed incorrectly, the date is wrong, or sometimes you might see "audio is not available on CourtFM". If you ever see that last reason listed, I encourage you to reach out to us here at For The Record so that we can upload the audio, so that you could then in turn resubmit your audio request, knowing that the audio would then be visible to the clerk on CourtFM.

Kind regards,

Tracy Sullivan

Customer Experience Auditor  
Workforce Development Team  
For The Record

# **EXHIBIT B**

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

From: NICHOLAS FIORILLO <metrowestrealty@yahoo.com>  
To: Beatriz E Van Meek <beatriz.van-meek@jud.state.ma.us>; Gloria Brooks <gloria.brooks@jud.state.ma.us>  
Cc: Nesgos, Nicholas J. <nicholas.nesgos@afslaw.com>; Hyman, Nathaniel J. <nathaniel.hyman@afslaw.com>; Kevin T. Peters <kevin.peters@gesmer.com>; Michael Brier <michael.brier@gesmer.com>; Ks6 <ks6@cox.net>; Lawrence Signore <ljsignore@therhodelawyer.com>  
Sent: Wednesday, August 10, 2022 at 10:31:22 PM EDT  
Subject: Re: 5th Request for Zoom Link Raymond C. Green, Inc., Spitalny's v Fiorillo August 10th Zoom Link 1316666

Ms Brooks and Van Meek,

I filed such motion timely today, well before the Judge heard such arguments from Peters and Brier.

I also reached out directly to both your phone lines (5 times) and opposing counsel via email for zoom link ID to court room 1301.

I also directly requested the zoom link via multiple emails, phone calls to both of you and your offices and the main line at the clerk's department, well before the Spitalny matter was even heard.

I attempted to log in to the 4 different zoom links that are publicly posted on the mass.gov zoom link page and not one of them worked. Can you please forward what zoom link was used for today's hearing ?

As you know. I prudently requested a zoom appearance to you as clerks and to opposing counsel and was "frozen out" today.

Everyone in that court room had prior notice of my medical leave. As it was common knowledge from the August 8th hearing, Ms Van Meek was present at, I could not be in attendance today.

From: nicholas fiorillo <metrowestrealty@yahoo.com>

Sent: Thursday, August 11, 2022 1:04 PM  
To: Gloria Brooks <gloria.brooks@jud.state.ma.us>

Hello,

Please provide what audio link was used for yesterdays hearing in front of Judge Kasijjian

Please Also forward me to where the audio recording link to yesterdays hearing.

Nicholas Fiorillo

On Aug 11, 2022, at 12:43 PM, Gloria Brooks <gloria.brooks@jud.state.ma.us> wrote:

Good afternoon Mr. Fiorillo:

There is no hearing scheduled for today. The BLS1 hearings are held in Courtroom 1309. During this sitting, all motion hearings in BLS1 will be held in person, unless otherwise stated by the judge. The audio line was put in place during the pandemic. Now that courts are again open to the public, that audio link is no longer available.

Gloria Brooks

Assistant Clerk Magistrate for Civil Business

From: nicholas fiorillo <metrowestrealty@yahoo.com>

Sent: Thursday, August 11, 2022 10:55 AM

To: Gloria Brooks <gloria.brooks@jud.state.ma.us>

Cc: Lawrence Signore <LJSignore@therhodelawyer.com>; nkreuzer@aol.com;  
kevin.peters@gesmer.com; michael.brier@gesmer.com; lauren.haskins@gesmer.com

Subject: Re: Filing Submitted for Case: 2184CV02894; 2184CV02894 Spitalny, Samuel B vs. Fiorillo,  
Nicholas; Envelope Number: 1284115

Ms Brooks:

Please provide the zoom link id from the 2pm 1301 hearing and audio link Id.

We are having trouble finding both at this point.

Nicholas Fiorillo

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

From: Gloria Brooks <gloria.brooks@jud.state.ma.us>

To: nicholas fiorillo <metrowestrealty@yahoo.com>

Cc: Lawrence Signore <LJSignore@THERHODELAWYER.COM>; nkreuzer@aol.com  
<nkreuzer@aol.com>; kevin.peters@gesmer.com <kevin.peters@gesmer.com>;  
michael.brier@gesmer.com <michael.brier@gesmer.com>; lauren.haskins@gesmer.com  
<lauren.haskins@gesmer.com>

Sent: Thursday, August 11, 2022 at 02:18:56 PM EDT

Subject: Re: Filing Submitted for Case: 2184CV02894; 2184CV02894 Spitalny, Samuel B vs. Fiorillo,  
Nicholas; Envelope Number: 1284115

Good afternoon Mr. Fiorillo:

You will need to sign up for a Court.fm account at us.court.fm to listen to the hearing. Your request should include the case name, docket number, date, courthouse (Suffolk Superior Court) and courtroom (1309).

Thank you,  
Gloria Brooks

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT  
CIVIL ACTION NO.  
2184-CV-2894BLS1

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

Plaintiffs, )

v. )

NICHOLAS FIORILLO and GOTSPACE DATA )  
EQUITY FUND, LLC )

Defendants. )

And )

NICHOLAS FIORILLO, )  
GOTSPACE DATA EQUITY FUND 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, AND )  
GOTSPACE GLOUCESTER, LLC )

Reach and Apply Defendants

**DEFENDANT’S AFFIDAVIT IN SUPPORT OF VERIFIED MOTION TO RECUSE**

I, Nicholas Fiorillo, hereby certify and state under the penalties of perjury:

1. I am the Defendant in the above-captioned matter.
2. I make this affidavit to attest that the information set forth in my Verified Motion to Recuse Judge Kazanjian, is true and accurate to the best of my knowledge.
3. From the outset of all cases brought against me, the court has incorrectly denied all of my motions, and rendered unjust default rulings, in violation of Massachusetts case law. The unjust finding of default has violated several Canons of Massachusetts’ Code of Judicial Conduct, reinforcing the loss of confidence I have in the judiciary in this Country, based on this court’s actions, and those of the Boston Suffolk Superior Court, due to their egregious conduct towards me, in my court cases.
4. Despite my full understanding of the disadvantages of defending myself pro se, I am nonetheless entitled to the same rights of due process afforded to any similarly situated Defendant represented by counsel. Those rights fundamentally include fair application of civil procedure.
5. While none of these rights are waived by the pro se Defendant, they have been waived by

Judge Kazanjian on my behalf. Judge Kazanjian not only refused to hear the ex-parte motion I brought before the Court on an emergency basis, which should have been heard by Judge Salinger, she pushed the hearing time out so late that no remedy could be had even if so ruled.

6. I have had my integrity impugned by not only Judge Ricciuti, who has requested a “doctor’s note,” as if I was a recalcitrant truant skipping school, rather than a man faced with a serious medical procedure on top of the stress of unfounded legal matter which could have, and should have, been settled in conference outside of a courtroom proceeding, but by Judge Kazanjian as well. Rather than formulate an independent opinion based upon facts and sound law, Judge Kazanjian engaged in ally-building tactics with Judge Ricciuti by making arbitrary presumptions which were not only wholly incorrect, but violative of my due process rights.
7. Judge Kazanjian should not have entered default findings against me and my wife Tracy.
8. For these reasons, as well as on the basis of the grounds set forth in this motion, I can unequivocally state my belief that I cannot get a fair hearing before the Honorable Judge Kazanjian.

/s/Nicholas Fiorillo

Dated: August 22, 2022

#### **CERTIFICATE OF SERVICE**

The undersigned states that he served a copy of the above on counsel of record and the court by email.

/s/Nicholas Fiorillo

#### **CERTIFICATE OF SERVICE AND COMPLIANCE**

On August 22, 2022, I filed and served the within electronic notice and also noticed opposing counsel on our Rule 9 conference. Such notice I have now filed through the Court’s Electronic Filing System to all counsel of record.

/s/ Nicholas Fiorillo  
Nicholas Fiorillo