

NOTICE OF CRIMINAL CHARGES AGAINST ATT KEVIN PETERS,GESMER DEMAND FOR TURN OVER OF DEPO RECORDED TRANSCRIPT JUNE 28 HEARING SET FOR Emergency Motion Disqualify Law Firms of Gesmer, Arentfox, Mclaughlin PC and Stay Litigation Anti-Slap

From: nicholas fiorillo (metrowestrealty@yahoo.com)

To: metrowestrealty@yahoo.com; msvigos@bluevistallc.com; sean.gilligan@gesmer.com; nicholas.nesgos@arentfox.com; johntrahon@hotmail.com; benjamin.greene@afslaw.com; jazmin.scott@gesmer.com; smasterson@sdmlawgroup.com; sjquillinan3@gmail.com; christine.mcguinness@afslaw.com; joan@raygreen.com; spiro@raygreen.com; Kevin.Peters@gesmer.com; david.reier@arentfox.com; bsheehan@cscrefi.com; Jeff.Groper@nemoves.com; benjamin.greene@arentfox.com; Lauren.Haskins@gesmer.com; jim@loughlin-law.com; jstoller@rodmanins.com; stownsend@bluevistallc.com; jakes@steinfibers.com; schase@bluevistallc.com; Michael.Brier@gesmer.com; ks6@cox.net; peter@steinfibers.com; jeff@jeffhellmanlaw.com; david.barbash@afslaw.com; jaf34msn@gmail.com; tqiinn1313@gmail.com; gweiner@weinerlegal.com; bsheehan@capstackfinance.com; rfox@bluevistallc.com; giii@mclaughlinbrothers.com; nathaniel.hyman@afslaw.com; bsack@jepskysack.com; GaryH@bbb-lawfirm.com; lisa.serafin@redgate-re.com; nkreuzer@aol.com; ray@raygreen.com; pstelian@bluevistallc.com; avlupo@afslaw.com; nicholas.nesgos@afslaw.com; jlevin@lawglm.com; spitula91@gmail.com; justin@raygreen.com; joel.faller@mclaughlinbrothers.com; rzoobhill@goldmanpease.com

Date: Tuesday, June 7, 2022 at 02:14 PM EDT

UPDATE Emergency Notice of Intent to File Criminal Charges Demand for Recording from DEPOSITION RECORD 6/6/2022

Charges for Assault & Battery , Intimidation of a Witness, Violation of SEC29 - Launch Of Judicial Investigation for Insider Manipulation of the Court Docket

Mr. Peters,

I have just concluded my second interview with the Boston Police Department detective unit and just got off the phone with detective Powers.

Where explicit details and a witness statement of the assault and battery you clearly committed against my wife and myself yesterday morning where laid out to the detective.

He reported to me that you have no intention of perusing this incident and had no intention on pressing charges. Obviously, as we are clearly victims of your premeditated attack and extortion schemes. As we all know this has been just your further pattern of unlawful attempts to extort my family, businesses and myself out of almost \$ 73,500,000 in legal fees, cash and real estate, that neither you or your criminal clients are entitled to.

I want to inform you and your law firm and your employees, so there's no misunderstanding. Wr have every intention of pressing charges against you and your accomplices for your despicable assault and battery against my wife and I and extortion and violation of Section 29 of the Massachusetts civil liberties laws.

Detective Powers informed me that he will be calling you shortly to demand that you turn over the stenographer report and all recordings of yesterday's events immediately.

As this is just the latest evidence in this ongoing criminal investigation against you and the rest of the RGPS enterprise and will prove out the entire larger picture of your scheme through your continued pattern of unlawful gaming of the legal system and sinister acts to forward your unlawful collection of debts.

With your statements already on record in the very detailed police report, stating the facts. It is clear that the evidence will prove out you where extorting us via your multiple criminally implicative threats to hold us both in contempt and threatening us both, if we did not comply with your demands, you would have us held in contempt and jailed. As you were making statements and threats to us, as somehow my wife and I were being unruly and not being cooperative at your deposition.

The recordings of yesterday's events will put clearly on the record your level of guilt and prove out your continued harassment and extortion in the collection of an unlawful debt under Civil RICO. Your assault and battery against my wife and I will be prosecuted to the highest level of state and federal law.

If you attempt further retaliation against us and attempt to use your influence over this ongoing investigation against you, we will ask the District Attomery and the Clerk Magistrate to bring swift action, under the anti-Slap protections. As we will

not relent , be further intimidated by you or Peter Spitalny or Ray Green and George Mclaughlin any longer. We will bringing all of you and your criminal partners to justice swiftly.
Your games are over !

We are demanding you provide the Boston Police with the recording of yesterday's deposition be turned over forthwith.

Nicholas & Tracy Fiorillo

Sent from my iPhone

Begin forwarded message:

From: nicholas fiorillo <metrowestrealty@yahoo.com>
Date: June 7, 2022 at 8:46:35 AM EDT
To: Gloria Brooks <gloria.brooks@jud.state.ma.us>, beatriz.van-meek@jud.state.ma.us, beAtriz.vanmeer@jud.state.ma.us
Subject: Re: 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 and Van-Meek,

Please confirm you forwarded our email communications from yesterday to the Judges. We requested you forward such email to them directly as there is a criminal investigation that has been ongoing involving the Plaintiffs and their attorneys for their unlawful debt collection activities.

We ask you for the 2nd time, did you forward our email attached below, to the Judges Locke, Salinger and Krupp, whom have all been presiding over our related cases ?

Yes or No ?

Thanks Nicholas and Tracy Fiorillo

Sent from my iPhone

On Jun 6, 2022, at 2:08 PM, nicholas fiorillo <metrowestrealty@yahoo.com> wrote:

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 Mclaughlin, 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 Mclaughlin 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 Masterson 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 filing for an immediate dismissal 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:smasterson@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
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MOTION]**

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<Emergency Motion To RECUSE JUDGE KRUPP v2.pdf>

<Emergency Motion to StayTRACY662022 v2.pdf>

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<Mot Dismiss Civil Contempt Comp USE THIS ONE.pdf>

<Tracy Motion in Support.pdf>

Sent from my iPhone

On May 16, 2022, at 3:41 PM, NICHOLAS FIORILLO <metrowestrealty@yahoo.com> wrote:

Ladies & Gentlemen,

We are filing the attached Emergency Motion to Disqualify the attorneys Kevin Peters, George McLaughlin, Nicholas Nesgos, Joan Green, David Reir, Michael Brier, Sean Gilligan, and the Law Firms of Gesemer, Arentfox, McLaughlin Brothers and the junior associate's. That have been directed by Mr. Peters, McLaughlin and Nesgos, for their multiple violations of professional conduct and unlawful pattern of racketeering acts. In addition, their ongoing participation in the RGSPCE criminal "loan to own" conspiracy to harm my family and my business and other investors.

Where it is crystal clear that the Defendants in counter claim and their attorneys continue to violate our rights to privacy, confidential attorney client privileges. Where Peters, McLaughlin and Nesgos continue their many unconscionable acts and violations of multiple Rules of Professional Conduct and trade "wire tap" and electronically intercepted communications that the Spitalny's have unlawfully obtained. Whereas such Attorneys are participating in racketeering scheme to extort upwards of \$73,500,000 not due or owing.

Attorneys Peters and the Gesmer Law Firm, McLaughlin, Nesgos, and the Arent Fox Law Firm were officially noticed of such conflicts as communicated and served by Attorneys Neil Kreuzer and Shawn M. Masterson as further detailed in the attached motion. Whereas, Judge Locke at the January 2021 hearing to reach and apply over \$100,000,000 in assets, had also recognized from the bench, such conflicts and order Attorney's McLaughlin and his "gimp", to file extensive briefs about such blatantly apparent conflicts that were raised at such hearing, as to why such attorneys should not have been removed from the case from the onset. McLaughlin, Peters and Nesgos, have failed to ever provide such documentation and have billed to their soon to be former clients, upwards of \$750,000, all told, they may need to return to such clients. As their conflicts are blatant and obvious and are clearly concerning to the courts. With this case just in its early stages and a much bigger federal RICO case being drafted to expose such larger schemes, one would hope a more level headed and respectable firm would be interested. We intend to narrow such issues and combine such cases which should help to lessen the financial burdens on all of litigants, as we head to trial and seek justice against all guilty parties.

We intend on filing this motion immediately and/or thereunder on an *emergency* basis *ad nauseam* throughout the instant litigation. Whereas, just this past Tuesday, the consorted effort to

extort and financial ruin our companies was "spotlighted". Where is it is obvious the sinister group's greed has overcome them. Where they are now looking to seek upwards of \$23,500,000 in cash, clearly not due or owing and have demanded we deed over the \$50,000,000 GotSPACE Self Storage assets. These attorneys and their clients have patently refused to stand down and recuse themselves as they purport that they have no conflicts and should not be disqualified. The facts contained in this verified motion and the chronological evidence detailed in the supportive exhibits, clearly prove the existence of a sinister consorted and sophisticated criminal conspiracy perpetrated under RICO 18 U.S.C. § 1962(a-d) United States v. Weiner, 3 F.3d 17, 24 (1st Cir. 1993) ("collection of unlawful debt");

With the threat of foreclosure on the Fiorillo Family Home, and threatening and "gaslighting" of my wife with a sinister contempt of court and jail time is despicable. These actions are all in clear violation of the **MANDATORY 60 DAY ANTI-SLAP STAY** and all such discovery has been stayed. Mr Peters and Nesgos where insistent billing heavily, and where all to excited to "paper hang" and harass us, as such stay was filed BY GESMER, as soon as we set out to depose Peter Spitalny, Ray Green and Thomas Quinn. We have now determined that Brian Sheehan's and Ray Green's wives are partners in businesses that involve direct investments in my companies and as the stay is lifted, we need to explore all discovery efforts to determine their true involvement in the GotSPACE, Ocean , W-Lofts and BSI Westfield and BSI Storage group, as well.

I am sure Mr Peters and Mclaughin and Nesgos, have failed to properly educate all involved on how unlawful last weeks ' auction extortion plot" and "gaslighting" with the threat of my Family Home, being lost and jail time of my wife. As these same attorney's continue to bilk, the now Defendant's for exorbitant legal fees and "paper" of needless motions that achieve nothing but chaos, which continue to harm the very UNICORN that GotSPACE has become Where these lawless men continued to horrible break all sorts of professional rules conduct and continue to violate my attorney-client privileges. As all these attorney's that are now named defendants, have represented, consulted and have partnered with us in the past.

I would think that all parties on this communication should not be so concerned about their glutinous demands of over 1000% of returns on their loans, but more concerned about being prosecuted for their unlawful acts by the Plaintiffs in counter claim. In our now \$100,000,000 counter claim. We are hopeful the Federal Authorities will move swiftly, as we have been extremely vocal from the onset of this groups attacks on my family and business, we will continue to turn over all of the proof and evidence and report unlawful activities about what we

believe is a criminal group of loan sharks. We are the unsilent majority, of your prior victims and former borrowers that have now stood up are now saying ENOUGH IS ENOUGH.

Therefore, we intend to ask the court for a 30-day emergency stay be granted to conduct discovery into the aforementioned conflicts with your attorneys and their unlawful acts, and are requesting the Court hold an evidentiary hearing, so that the parties may examine witnesses with relevant knowledge and expose the blatant conflict issues and further investigate the unlawful acts of such attorneys and their employers.

The **RAYMOND GREEN PETER SPITALNY CRIMINAL ENTERPRISE. AKA R.G.P.S.C.E** and their Consiglieres.

Nicholas Fiorillo

Gotspace Development

Ocean Development

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

From: "ks6@cox.net ks6@cox.net" <ks6@cox.net>

To: kevin.peters@gesmer.com, nicholas.nesgos@afslaw.com

Date: May 16, 2022 at 12:44 PM

Subject: Nicholas Fiorillo

Good morning Kevin & Nicholas,

I hope this note finds you both well and safe in these continued difficult time for our Country. As you know Sean submitted a motion for my admittance into this bizarre and peculiar case. I'm not sure how long it takes for the Bar association and/or the Court to respond. In the meantime I would like to confer with both of you on the status of the case in your eyes, so I enter this bee's nest with an appreciation for both sides.

I must say that I have read most if not all of the motions, counter-claims/motions, veiled threats, allegations of misconduct and conflict, as well as hearing of the vicious negotiating tactics involved that in my mind are troubling. This is a money case, no one has been physically harmed or killed, its simple, either we can come to terms or we T it up, there's gotta be a winner and loser!

I am attaching an extremely damaging motion (if found to be true) that is about to be filed by Mr. Fiorillo for your perusal. ***I have however directed Fiorillo to remove my name from it for obvious reasons.***

I anxiously await your response to open up meaningful conversations with you both.

Kevin B. Salvaggio, Esquire

(401)626-9300

ks6@cox.net

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