

PUBLIC CORRUPTION COMPLAINT TO THE FBI

(The Crime is Conspiracy to Obstruct Justice Under Color of Law)

Introduction

According to your website, the FBI is the lead agency for investigating color of law abuses, which include acts carried out by government officials, **such as judges**, operating both within and beyond the limits of their lawful authority - authority which includes the power **to make rulings in court**.

According to Director Mueller, who is quoted on the public corruption page of the FBI website, **"When just one of us loses just one of our rights, then the freedoms of all of us are diminished."**

That is why it's a federal crime for anyone acting under "color of law" to willfully deprive or conspire to deprive a person of a right protected by the Constitution or U.S. law.

If the claim that the FBI aggressively investigates and works to prevent color of law abuses is truthful and accurate, then several state and federal court judges will be held accountable for their crimes against me with jail time and removal from the bench.

Prior to my first day in court, I naively believed that judges were honorable and that truth and justice would prevail. Instead, what I discovered is that our courts are a taxpayer-funded system of organized crime that is accountable to no one.

The Catholic priest scandal has nothing on the betrayals of public trust and cover-ups that are occurring in these secretive kangaroo courts, where the law is whatever these judges want to arbitrarily say it is behind closed courtroom doors to generate as much billable litigation, federal funding, and court filing fees as possible.

If there are honorable judges in this state and country with the moral fortitude to hold their colleagues accountable, then it is the exception and not the rule because I have yet to find one in a test group that includes four family court judges, four superior court judges, three judges of the

Massachusetts appeals court, the seven judges of the Massachusetts Supreme Judicial Court, one "Massachusetts-based" U.S. district court judge, and three "Massachusetts-based" judges of the First Circuit's U.S. Court of Appeals.

There is nothing more frightening than to know that no matter how strong my case, no matter how many facts I can produce to support my case, **and no matter how many laws must be defied to rule against me**; the judges in Massachusetts will do just that to deny me justice as a "critic" of this state's corrupt court system.

The retaliation against me has followed such a consistent script that it would not surprise me to discover that the judges in my cases were receiving the following directives from above or from their colleagues:

- (1) defy the law to dismiss my cases before they can succeed on their merits before a jury.
- (2) and in the meantime, do everything possible to prolong my cases and add to their costs.

It is the Sixth Amendment that preserves the right to a trial by a jury of one's peers in criminal cases and it is the Seventh Amendment that preserves that same right in civil cases. These Amendments were enacted to eliminate the "tyranny" of giving a single judge the power to decide a person's fate.

That "tyranny" is alive and well in our state and federal courts, where judges have sidestepped this limitation on their power by dismissing cases before they can be heard by someone outside their corrupt little circle.

Why have I been targeted?

Because I wrote a book on the topic of judicial corruption, which gained national media attention when it was "banned" by a judge criticized in that book;

because I filed a lawsuit in U.S. District Court against several state court judges, which should have every one of them facing jail time and removal from the bench;

and because I have reported every judge who has betrayed the public's trust by defying their own code of conduct and the laws of the land that they have sworn to uphold to the Commission on Judicial Conduct.

My efforts to hold these judges accountable has resulted in witness-verifiable gossip about me behind closed courtroom doors and lawyers admitting to me in no uncertain terms that they would not represent me in court for fear that they would be retaliated against themselves.

The dismissal of a case is supposed to be "a drastic remedy that is employed only sparingly." See Teamsters Local Union No. 171 v. Keal Driveway Co., 173 F.3d at 918 (4th Cir. 1999). And since I am a pro se litigant, there is also supposed to be a higher standard when faced with a motion to dismiss.

A court faced with a motion to dismiss a pro se complaint must read the complaint's allegations expansively and take them as true for purposes of deciding whether they state a claim. Cruz v. Beto, 405 U.S. 319, 322, 92 S. Ct. 1079, 1081, 31 L. Ed. 2D 263 (1972).

"The court is under a duty to examine the complaint to determine if the allegations provide for relief on any possible theory. If there is any possible theory that would entitle the Plaintiff to relief, even one that the Plaintiff has not thought of, **the court cannot dismiss the case.**" Bonner v. Circuit Court of St. Louis, 526 F.2d 1331, 1334 (8th Cir. 1975).

Pro se litigant or not, for purposes of ruling on a motion to dismiss, the court is to take all facts alleged by the plaintiff as true. Steckman v. Hart Brewing Company, Inc., 143 F.3d, 1293, 1295 (9th Cir. 1998).

With that being said, I have yet to survive a motion to dismiss in Essex Superior Court and U.S. District Court for reasons that have had nothing at all to do with the merits of these cases OR my competence at representing myself in court.

Taken separately, the crimes committed against me could be credited to judicial incompetence, but taken cumulatively and it can hardly be disputed that there is more than enough circumstantial evidence to conclude that there has been a conspired effort among several state and federal court judges to deny me justice.

Since the dismissals of my cases were each followed by denials of my motions for reconsideration, which detailed the reasons why each of these cases could not be dismissed, a reference to these documents will confirm that the judges involved in *my* cases are guilty of knowingly defying the law to obstruct justice.

The corruption that I have endured originated in family court, which already denies to litigants their constitutional right to a trial by a jury of one's peers.

That corruption has extended to Essex Superior Court and U.S. District Court, which have been dismissing my cases *before* they could succeed on their merits before a jury.

If the corruption were isolated to these courts, then it would not continue for long before a higher court intervenes on appeal to act as a deterrent.

Unfortunately, the **criminally-negligent** Massachusetts Supreme Judicial Court, U.S. Court of Appeals, and Massachusetts Commission on Judicial Conduct have proven that there is **no one** holding these judges accountable unless forced to do so when judicial crimes and misconduct have leaked publicly.

On the pages that follow is information that was contained in my appeals court documents and in nine separate complaints to the Commission on Judicial Conduct, which dismissed every one of these complaints without taking action, concluding in every one of these cases that no judicial misconduct had occurred.

To put this response in perspective, I have attached some of the canons of judicial conduct that the Commission on Judicial Conduct had to disregard to dismiss these complaints, supplemented by some relevant commentary in italics.

**CODE OF JUDICIAL CONDUCT
(Supreme Judicial Court Rule 3:09)**

CANON 1

A Judge Should Uphold the Integrity and Independence of the Judiciary

A judge should participate in establishing, maintaining, and **enforcing**, and should himself observe, **high standards of conduct** so that the integrity and independence of the judiciary may be preserved.

Every judge who has reviewed my nine complaints to the CJC and/or reviewed the Massachusetts Appeals Court's fraudulent response to my appeal from family court and done nothing is guilty of violating this canon.

The list includes the seven justices of the 2005 Massachusetts Supreme Judicial Court (Judges Margaret H. Marshall, Roderick L. Ireland, Francis X. Spina, Judith A. Cowin, Robert J. Cordy, Martha B. Sosman, and John M. Greaney); U.S. District Court Judge Douglas P. Woodlock; U.S. Court of Appeals Judges Sandra L. Lynch, Michael Boudin, and Norman H. Stahl; and the "Member-Judges" of the Commission on Judicial Conduct (Judges Margot Botsford, William W. Teahan, Jr., Susan D. Ricci, Stephen E. Neel, Paul F. Loconto, and Mary Ann Sahagian).

CANON 2

A Judge Should Avoid Impropriety and the Appearance of Impropriety in All His Activities

- (A) A judge should respect and **comply with the law** and should conduct himself at all times in a manner that promotes public confidence in the **integrity and impartiality** of the judiciary.
- (B) A judge should not allow his family, social, **or other relationships** to influence his judicial conduct or judgment. He should not lend the prestige of his office to advance the private interests of others; nor should he convey or permit others to convey the impression that they are in a **special position to influence him**.

CANON 3

A Judge Should Perform the Duties of His Office Impartially and Diligently

- (1) A judge should be faithful to the law and maintain professional competence in it. **He should be unswayed by partisan interests, public clamor, or fear of criticism.**
- (2) A judge should maintain order and decorum in proceedings before him.
- (3) A judge should be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom he deals in his official capacity, and should require similar conduct of lawyers, and of his staff, court officials, and others subject to his direction and control.
- (4) A judge should accord to every person who is legally interested in a proceeding, or his lawyer, **full right to be heard according to law.** He should not permit private interviews, arguments or communications designed to influence his judicial action, where interests to be affected thereby are not represented before him, except in cases where provision is made by law for ex parte application.

Every judge who has defied the law to dismiss my cases before they could succeed on their merits before a jury of my peers and/or denied to me my right to present evidence favorable to my case is guilty of violating this canon.

- (5) **A judge should dispose promptly of the business of the court.**

Before recusing herself from the case, Essex Family Court Judge Manzi sat on my complaint for modification of my child custody orders for a full year, four months beyond the deadline for the matter to be heard and ruled on.

Essex Family Court Judge Cronin then sat on this same case for eleven more months before issuing his law and fact-defying ruling, which was two years from the time that the case was put on an eight-month track assignment.

Essex Family Court Judge Digangi delayed the case involving the banning of my book for nineteen months before I convinced the Mother to drop the complaint.

And U.S. District Court Judge Woodlock sat on my federal court lawsuit for two years to obstruct justice and prevent five judges from being found guilty by an impartial jury of the crimes detailed in my complaint.

- (6) A judge should **diligently** discharge his administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court officials.
- (7) **If a judge shall become aware of unprofessional conduct by a judge or a lawyer**
 - (a) **he shall, in the instance of a judge, report his knowledge** to the Chief Justice of this court and of the court of which the judge in question is a member, and
 - (b) **in the instance of a lawyer, he shall initiate** appropriate investigative or disciplinary measures.
- (8) **A judge shall perform judicial duties without bias or prejudice.** A judge shall not, in the performance of judicial duties, **by words or conduct** manifest bias or prejudice, including but not limited to bias or prejudice based upon race, **sex**, religion, national origin, disability, age, sexual orientation or socioeconomic status, and shall not permit staff, court officials and others subject to the judge's direction and control to do so.

I have court-recorded comment after comment from Essex Family Court Judges Mary McCauley Manzi and Peter C. Digangi, confirming beyond any and all doubt that the two of them were biased against me as a male and as a pro se litigant.

- (9) **A judge should disqualify himself in a proceeding in which his impartiality might reasonably be questioned**, including but not limited to instances where:

- (a) he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;
- (b) he knows that he, individually or as a fiduciary, or his spouse or minor child residing in his household, has a financial or other property interest in the subject matter in controversy or in a party to the proceeding, which interest could be substantially affected by the outcome of the proceedings.

Essex Family Court Judge Manzi denied several motions for her recusal from my case in defiance of the fact that she is the subject of two complaints to the Commission on Judicial Conduct and a defendant in a lawsuit that I filed in federal court.

Essex Family Court Judge Digangi denied my motion for recusal from the case involving my book in defiance of the fact that he is also the subject of two complaints to the Commission on Judicial Conduct and a defendant in my federal court lawsuit. Digangi is also called "a dangerous combination of arrogance, ignorance, and incompetence" in that same book.

U.S. District Court Judge Woodlock dismissed two cases that I had in his court on the very same day for law-defying reasons rather than recuse himself from these cases, as he was legally required to do sua sponte when he became aware of the fact that I had reported his negligence and obstruction of justice to the Chief Judge of the First Circuit.

And Chief Judge Lynch of the First Circuit's U.S. Court of Appeals defied U.S Supreme Court case law and constitutional law to affirm Woodlock's dismissal of my lawsuit against several judges rather than recuse herself from this and a separate pending case, as she was legally required to do sua sponte at the moment in time when she was given notice that I had reported her negligent failure to hold one of her judges accountable (ie. Woodlock) in a Petition for Review to the Judicial Council.

Essex Family Court Judge Mary McCauley Manzi

For most of my family court case, Judge Manzi was the presiding judge. She made it clear to me at my initial hearing on May 28, 2003 that in her courtroom fathers are all criminals to be punished and removed from the lives of their children while mothers are all selfless, innocent victims to be pitied and excused from accountability for their actions.

Manzi and the incompetents who work in the court system as mediators also introduced me to the family court mindset that a mother's demand for sole custody is honorable and praiseworthy, but a father's pursuit of a 50/50 joint physical custody compromise is proof that he is selfish, rigid, and demanding.

It should be noted that this "mindset" has nothing at all to do with the "best interests of the children", as hypocritically alleged, and everything to do with the fact that it is the "winner takes all" rulings in family court that generate money for this "industry".

The fact is that if 50/50 joint physical custody were the rule rather than the exception in family court; then billable litigation would be significantly reduced, the child support services department would need to be downsized, the domestic violence industry would lose the customers that it gets with the incentive for mothers to make up false allegations as a court strategy, the state would lose Federal Title IV-D funding that it gets by turning every family break up into a welfare case, and radical feminist groups would lose the uneven playing field that they have worked so hard to obtain with their rhetoric that constitutional rights should not apply to men in family court because they are all violent, evil monsters.

Manzi was consistently rude and condescending toward me at the initial hearing, but polite and patient with the attorney for my son's mother. Before I was even called before the judge, I witnessed her rolling her eyes and asking the court clerk to point me out when she was handed my file.

During my opening statement, she repeatedly interrupted me to preach and change the subject. I was interrupted in the first minute of my opening statement when I expressed my desire to avoid a legal battle. Manzi took issue with my use of the word "battle" and lectured me about how family court was not a battleground.

When it was opposing counsel's turn to speak, she was allowed to make her entire statement without interruption. When she finished, Manzi sought out the opinion of the Mother's hired attorney as if she were some impartial social worker on the case.

With regard to the child support, Manzi asked me where I got the proposed child support amount listed in my documents. I told her that I used the financial statements that had been exchanged between parties to input the figures into the Massachusetts child support formula and then checked that amount online at a site that automatically calculates Massachusetts support orders. In an annoyed tone, Manzi snapped back, "We're not online here!"

What is alarming about Manzi's comment is that it is mysteriously missing from the court-recorded tapes, which were ordered AFTER I had filed a complaint against her with the Commission on Judicial Conduct.

I emphasize that the tapes were ordered AFTER my formal complaint because several individuals who work regularly in this courthouse implied that I was naive to think that the tapes would not be "altered" after the court became aware of my formal complaint against one of its judges.

I lost motions in Manzi's courtroom that I could not possibly lose based on the objective evidence. Although the child support guideline formula produced a support order of \$475 per month, Manzi arbitrarily decided that \$615 per month plus family group health insurance costs would be better.

And after proving with receipts that I had never been a single day late in my payments of child support, Manzi allowed the Mother's motion for an insulting wage assignment order.

Every attempt to present evidence to confirm the Mother's fraud on the court was thwarted by Manzi, who made it clear to the Mother and her attorney that they were not only in a favored position to influence her, but that they could commit perjury in her courtroom with impunity.

Although the Mother and I have identical jobs, identical work hours, and live five minutes from each other, Manzi's temporary orders gave sole physical custody to the Mother in defiance of the equal protection clause of the Fourteenth Amendment and M.G.L. Chapter 208, section 31, which states:

In making an order or judgment relative to the custody of children, the rights of the parents shall, in the absence of misconduct, be held to be equal.

The only one guilty of "misconduct" in the case was the Mother, who had to make up for the fact that she is the significantly less fit parent by resorting to perjury.

According to the court, I was guilty of "misconduct" for having the audacity to resist the court's law-defying "one size/mother takes all" custody arrangement and, instead, fight for an equally balanced parental relationship with my son.

On March 22, 2006, Manzi banned a book that I had written about her and four other corrupt judges titled, "Exposing the Corruption in the Massachusetts Family Courts."

To ban this book, Manzi had to ignore her clear conflict of interest as a judge criticized in the book and the fact that opposing counsel did not serve a summons and complaint on me, as mandated by Massachusetts Civil Procedure Rules 3 and 4, for her to even hear the case.

Her orders impounded content from the book until the year 2021 and permanently restrained me from disseminating it.

Without any references to law or the book's content, Manzi's rationale for her restraining order was that the information contained in my book would cause "irreparable injury" to the Mother and the minor child.

Without any references to law or the book's content, Manzi's rationale for her impoundment order was that "impoundment is necessary to protect the best interests including the privacy interests of the parties' minor child."

Manzi could not reference the law because the law requires detailed written findings and a compelling reason to justify any restraints on speech.

And Manzi could not reference the book's content because the Mother, as the moving party, did not submit the book itself into evidence for Manzi to even know what was in it.

I brought the book into court myself for the March 22, 2006 hearing. At this hearing, Manzi asked me what I was holding. I responded, holding the book up so that she could see the cover, "this is the book that you are ruling on today."

What is significant to note about this exchange is that it is also missing from the court-recorded tape from this hearing. Since this exchange, independently confirms that Manzi banned a book that she had never opened, I had a couple of witnesses at this hearing write affidavits to verify that this exchange *had* taken place.

A hearing was scheduled for April 19, 2006 to hear my motion for relief from her "book ban" orders - orders that were reported by the Boston Herald, the Lowell Sun, Lawyers Weekly, and Mass News. Television interviews followed at Fox News, WNDS, WGBH, and MSNBC. Several national columnists also wrote about the case.

Consequently, there was a lot of media attention connected to this hearing including a protest outside the courthouse. Protesters were carrying signs that read "Ban Judges, Not Books."

Since my motion for relief from her orders described in detail her incompetence, I was not surprised when Manzi refused to hear this motion before the large number of "protesters" and media people in attendance on that particular day.

Manzi refused to hear my motion with the claim that the rule that I had cited to bring this motion before her, Massachusetts Civil Procedure Rule 60(b), applied to judgments, but not orders.

When I challenged this claim, Manzi would not allow me to show her a copy of the rule itself to confirm that "Rule 60" does in fact apply to both judgments AND orders.

Additional evidence exists, namely an email that Manzi mistakenly left in my file, which confirms that Manzi solicited the help of a law clerk on this day to provide her with an additional "loophole" excuse to avoid hearing this motion.

The loophole excuse provided to Manzi was that my motion for relief was not compliant with Standing Order 2-99.

Rather than share with me and the witnesses in court the specific reasons why the motion was not compliant, she handed me a copy of the standing order itself.

Apparently, the motion was not compliant with Standing Order 2-99 because Manzi was not referenced by name in the heading of the motion, but in the motion's first paragraph, and because Manzi's orders, issued three weeks earlier and contained in the file that she was holding, were not attached to the motion.

To put this in perspective, Manzi refused to hear my motion for these trivial reasons, which could have easily been corrected in her courtroom, but just six weeks earlier, on March 2, 2006, Judge Peter C. Digangi allowed the Mother's attorney, Debra Dow, to "handwrite" an entire complaint in his courtroom, which Dow had incorrectly filed as two motions, so that he could temporarily ban my book at an *ex parte* hearing held in Salem.

This was just the first of several trips to court over the next year that proved to be a complete waste of time and money for my son's mother and I.

On April 21, 2006, Manzi scheduled a pretrial conference on the matter of my book for June 20, 2006.

As ordered in her pretrial notice, the parties met on a day prior to the pretrial and showed up to court on June 20, 2006, only to be told by the clerk that Manzi had cancelled the pretrial conference three days after scheduling it for reasons that remain a mystery.

On June 16, 2006, a single justice of the Massachusetts Appeals Court (Justice Kantrowitz) referenced the scheduled June 20, 2006 pretrial conference to initially deny my motion to vacate Manzi's book ban orders.

When Kantrowitz was updated to the fact that the pretrial had been cancelled two months earlier without notice to the parties, he overturned his initial denial and vacated Manzi's orders on July 25, 2006, remanding the case back to family court for specific written findings that would justify a restraint on my speech.

A hearing was scheduled by the court for August 2, 2006 on a separate complaint that I had filed for modification of my child custody orders.

After spending the entire morning session in mediation on this matter, Manzi refused to hear this court-scheduled case with the claim that she does not hear complaints on Wednesdays.

This claim contradicted her ruling on the Mother's complaint to ban my book, which was heard and granted on Wednesday, March 22, 2006.

At a December 1, 2006 last-minute hearing called by the Mother's attorney to postpone a scheduled December 4, 2006 pretrial conference on the same complaint for modification that had been filed six months earlier, Manzi granted the Mother's motion to postpone the pretrial by allowing the Mother's attorney to get away with fraud on the court.

Specifically, Manzi refused to look at my evidence, which proved that the Mother's attorney was lying to the court with her claim that she had not received notice of the scheduled pretrial and lying to the court with her claim that I was "swearing" at the Mother's attorney over the phone the previous night when the Mother's attorney notified me of this hearing.

My evidence included email messages between the Mother's attorney and I, which confirmed that the Mother's attorney was well aware of the pretrial conference weeks earlier, and a tape of the phone conversation the night before, which I had recorded specifically to protect myself from the Mother's attorney, Debra Dow, who had a habit of fraudulently alleging anything if she thought that she could get away with it. The tape confirms that the closest word to a "swear" that I used in this phone conversation was calling the Mother's attorney a "liar".

As it pertains to admissibility, it should be noted that I did not secretly tape our conversation. I gave notice to the Mother's attorney that the call was being recorded, which can be verified with the tape itself.

The December 1, 2006 hearing was educational because Manzi revealed exactly how she planned to sabotage the trial on my complaint for modification. Her plan was to deny me my right to confront witnesses against me, deny me my right to present evidence favorable to my case, ignore perjury and suborning perjury, believe everything uttered by

opposing counsel with the argument that the Mother's hired-attorney is an "officer of the court", and underestimate the evidentiary value of my email journal, which I had been keeping to document the events and communication that had occurred to necessitate a modification.

In response to the information conveyed at this December 1, 2006 hearing, I filed an affidavit to get on record my objection to Manzi as presiding judge of my child custody case, citing everything that has been conveyed above.

On January 9, 2007, without any prompting from the parties or prior communication from the court, Manzi appointed a guardian ad litem ("GAL"), Brian T. Cuffe, to the case to investigate the issues identified in my complaint for modification and in the Mother's one-page "answer" to the complaint. Manzi also scheduled a June 26, 2007 trial on the matter.

The GAL proved himself to be both incompetent and unethical. He was given three months for his investigation and to report his findings to the court. And although he assured me that he would examine my supporting evidence prior to his report and satisfy the task that he was appointed to perform, he instead avoided my phone calls and went to court on April 18, 2007, nine days *after* the deadline for a written report to the court to motion for additional hours.

The GAL also requested in his motion that the June 26, 2007 scheduled trial be postponed - a trial that was already scheduled more than a year from the date that the complaint was filed.

To deceive me into submitting to a psychological evaluation (a request that he made in the first two minutes of meeting me), the GAL left out the fact that I would be responsible for the costs. When I discovered that he intended to illegally stick me with the costs of the evaluation after the fact, I refused to agree to this frivolous request.

Actually, I presented a compromise to the court. I suggested that each parent have the option to pay for the costs of the other parent. Since I already had more than enough evidence to prove that the Mother is unstable, I told the court that I would pass on this costly option.

I also argued that if the Mother felt that I was suffering from some dormant mental illness that would be revealed by a psychological evaluation, then she should be more than happy to purchase such evidence against me.

To explain away his failure to complete his investigation prior to the deadline, the GAL blamed the unresolved issue involving psychological evaluations, despite the fact that my refusal to pay for the evaluation was not communicated to the GAL until *after* the deadline for his report to the court and *after* I had discovered that he intended to foot me with the bill.

I objected to the GAL's motion to postpone the trial and filed my own motion to remove him from the case.

After hearing on April 18, 2007, Manzi denied my motion; postponed the trial to July 30, 2007; gave the GAL 20 additional hours for his investigation and 95 additional days to submit his report on the dime of the Massachusetts taxpayers; and ordered the Mother and I to undergo and pay for psychological evaluations.

The Mother's confirmed fraud on the court, in a failed attempt to put me on supervised visitations, was also ignored by Manzi on this day.

The Mother, who had become accustomed to alleging anything in Manzi's court without a requirement to submit proof, falsely alleged that I took our son to a swim class a day after he was "hospitalized and observed overnight" for dehydration.

When the GAL requested that the Mother provide him with evidence of this hospital stay and explain why she had not mentioned this hospital stay in an email that I had received from her the previous night OR notify me of this hospital stay pursuant to the custody orders, which mandate that I be informed of all medical issues involving our son, the Mother had to admit that she made the story up.

I also videotaped my son on the day in question to prove that he was "full of life" and more than healthy enough to attend his swim class.

On April 25, 2007, the GAL filed a second motion to postpone the trial, which was heard and allowed on May 2, 2007. The trial was rescheduled to August 21, 2007 - more than 14 months from the time that the complaint

was filed and 6 months *beyond* the time that the matter was to be heard and ruled on according to the 8-month track assignment that the case was put on.

When I referenced that Manzi's order for me to take and pay for a psychological evaluation was clearly illegal at the May 2, 2007 hearing, she claimed that I was wrong without a reference to any law, case law, or reason to justify her order.

On May 14, 2007, I filed a motion for reconsideration of Manzi's orders regarding the postponed trial and a motion for relief from her orders regarding the psychological evaluations.

These motions were actually my second attempt to get redress. My original motions for reconsideration and relief, hand-delivered to the Lawrence courthouse on April 21, 2007 mysteriously disappeared.

On June 8, 2007, more than three weeks after filing these motions, Manzi recused herself from the case, vacated the order for psychological evaluations, vacated the appointment of the guardian ad litem, and cancelled the August 21, 2007 trial on my complaint for modification of the child custody orders.

Manzi's recusal did not come without a parting shot at me. She canceled my thrice-delayed trial on my complaint for modification and slandered me in the process with her fraudulent claim that she was recusing herself and withdrawing the GAL because *I* chose to be uncooperative.

For the record, I met with the GAL in his office, I was the only litigant who timely completed the GAL's 15-page questionnaire, I allowed him into my home to observe me with my son, and I agreed to submit to a psychological evaluation.

The only thing that I did not cooperate with was Manzi's attempt to extort the psychological evaluation fees from me by defying M.G.L Chapter 215, Section 56A, which states:

Any judge of a probate court may appoint a guardian ad litem to investigate the facts of any proceeding pending in said court relating to or involving questions as to the care, custody or maintenance of minor children... The compensation shall be fixed by the court and

shall be paid by the commonwealth, together with any expense approved by the court, upon certificate by the judge to the state treasurer.

As I stated in her court and in documents:

These laws do not cease to exist simply because they are defied behind closed doors in your courtroom before litigants who do not know any better and lawyers who know to keep their mouths shut.

In defiance of the fact that Manzi is listed as a defendant in a lawsuit that I filed in federal court, is the subject of two complaints to the Commission on Judicial Conduct, is heavily criticized in a book that I wrote on judicial corruption, and is required to recuse herself from *any* case where there exists an appearance that she cannot be impartial; Manzi denied multiple motions for her recusal from my case.

These motions were denied so that she could ban a book that she never opened; delay a ruling on my complaint for modification of my child custody orders to a date well beyond the deadline for the matter to be heard and ruled on; continue to ignore the perjury, contempt of court orders, and bad faith litigation that I proved was committed by the Mother and her attorneys; and attempt to extort from me the fees proposed by a court-appointed guardian ad litem, which by law are to be paid by the state.

Only *after* I reported Manzi's attempt to extort the fees proposed by the GAL, who was appointed to the case for no other reason but to add to my costs and obstruct justice, did Manzi finally recuse herself from my case.

Essex Family Court Judge Peter C. Digangi

I first met Judge Peter C. Digangi at a February 25, 2004 hearing on my motion to correct the child support amount so that it would comply with the state guidelines. The Mother and I were scheduled to meet before Manzi, who made us sit in her courtroom all day before transferring the case over to Digangi in the late afternoon.

Within minutes of meeting me for the first time, Digangi expressed his gender-biased opinion that fathers are lesser parents than mothers with no chance of gaining 50/50 joint physical custody in his courtroom. His court-recorded comment was:

Can we look at this case, getting the issue of joint physical custody off the table because, quite frankly, sir, no judge is probably going to entertain that or they'll hear your argument but I don't think you're going to get very far with it... A young child needs to be with the nurturance of his mother if there is going to be a schism between two parents.

The transcripts confirm that Digangi wasted significantly more time at this hearing attempting to discourage me from pursuing joint physical custody than he did addressing my motion.

Below are just some of his "off topic" unsolicited comments expressed at this hearing, followed by my responses.

- (1) *Now, when you tell me you want joint physical custody and if she stands there and says, "I don't want joint physical custody"...absent you and her agreeing...and quite frankly with the pleadings in this case I doubt that I would even allow it even if you both came to me and said I want joint physical custody...*

Digangi "doubts" that he would "allow" joint physical custody even if we "both" came to him with that request (?!). Again, I was in court on this day to correct the child support order. That was "the pleading in the case". No one was sorrier than me that the Mother committed perjury on her Financial Statements, but those were the facts and I was in court to communicate the facts of the case so that the support amount could be corrected.

This comment also conveys that the Mother was in a special position to influence Digangi since her wishes carried more weight than mine. Sole custody is handed to the Mother with or without me agreeing to it, but my less intrusive compromise of joint physical custody requires that the Mother be in agreement.

- (2) *It's going to be very hard for a court to justify taking that child away from her and giving the child to you.*

Contrary to Digangi's thinking, joint physical custody does not *take the child* from either parent, but balances the child's relationship with both parents. It is only sole custody that actually *takes the child* from one of the parents.

- (3) *It appears to me with the hostility that I see in ten seconds in this case... (that) this is not going to be a case that smacks that there should be joint physical custody in this case and I haven't even heard from her yet.*

Contrary to this reality-defying claim, Digangi did not see ANY "hostility" at this hearing. He also did not examine any evidence or hear any testimony specific to my argument for joint physical custody. But still, he had the whole case set for trial figured out *in ten seconds*.

It became clear that in Digangi's courtroom, the more unethical the mother, the more likely she leaves with sole custody because Digangi will interpret any attempt to communicate the reality of the situation to the court, no matter how professionally it is done, as a hostile act against the mother.

- (4) *The situation is this. No judge can legally give you joint physical and legal custody of the child unless literally they think both of you can get along in harmony with each other.*

There is no such state or federal law that makes it illegal to award joint custody to parents who do not get along. It takes two to get along. Judges who express such a biased interpretation of the law send the message to mothers that if they want sole custody of their child, all they need to do is refuse to get along with their child's father.

Joint physical custody actually reduces conflict because it provides each parent with a more isolated relationship with their child independent of the whims and malice of the other parent.

- (5) *...hearing the vituperousness that you're approaching this case right now, there's no way that a judge is going to say you should have joint physical custody of this child. I'm sorry, but that's what the law is.*

Again, Digangi LIES about *what the law is* AND my demeanor in his courtroom to discourage me from pursuing joint physical custody. To make the baseless claim that my approach at this hearing was "vituperous" indicates that this comment was not coming from what Digangi was witnessing before him, but from what Manzi had told him behind closed doors, specifically, that I had reported *her* to the Commission on Judicial Conduct.

- (6) *If you can't get along together and the Court finds that either one of you are at fault, somebody might lose total custody of this child.*

If the parents cannot get along, even when it is the mother who is completely at fault, it is the father who *might lose total custody* of the child. The mother is never *at fault* in Digangi's courtroom because he will not hear testimony or evidence that is critical of her.

- (7) *A two-year old child, unless mom, there's really something wrong with her, in all likelihood will probably maintain physical custody of a two-year old child.*

This biased mindset completely contradicts the Massachusetts Constitution, the United States Constitution, and Digangi's own empty claim that the law looks to both parents as being equal.

- (8) *...so your argument saying that the laws are biased against guys for certain reasons, I can't help you there because I'm not changing the law.*

I did not say that *the laws are biased against guys*. In fact, I do not want the law to change because the law protects each citizen's rights to due process and equal protection, it defines the right to parent one's child as a fundamental, inalienable right, and it forbids the creation of

second-class citizens. It is Digangi's creative interpretations of the law that are biased and what need to change.

This is the kind of ignorant commentary that fathers have to endure non-stop in family court. If the judge succeeds at convincing the father to throw in the towel, then the courts report the case as one where the father did not "actively pursue" custody to exclude him from the skewed studies conducted by the Massachusetts court system itself to conceal the outrageous treatment of fathers in family court.

When I proved at this "child support modification" hearing that the Mother had lied on her financial statements, Digangi ignored this crime and responded with the "off topic" comment:

If she's cheated on her taxes, if she's overstated the cost of her daycare... that really doesn't get into the idea as to who's the best parent for the child.

It should be noted that Digangi played the same game of semantics with me at this hearing that Manzi played at my first hearing before her when I used the word "battle" in her courtroom.

Digangi interrupted me during my opening statement to reprimand me for referring to my son as "my" son, instead of "our" son. As he sarcastically put it:

Did you create this child all by yourself or is it both your child?... Please refer to your child appropriately, okay? It's not just yours. We're not talking about a refrigerator, all right?

Aside from the fact that Digangi's use of the word "it" is what would "objectify" my son, not the pronoun "my"; this diatribe was spewed for no other reason but to bully me and put me in my place in his courtroom.

It should also be noted that the child support order, which is what Digangi was supposed to be ruling on, was not corrected to comply with the state guidelines on this day.

The child custody trial was scheduled to be heard by Manzi on June 3-4, 2004. But that trial was shortened from two days to one and transferred to

Digangi, who I contend was assigned to the trial to retaliate against me for reporting Manzi to the Commission on Judicial Conduct.

When I learned that Digangi would be the trial judge, I prepared for his kangaroo court. I knew that he would railroad me at the trial, I knew that he would try to instigate a reaction from me, and I knew that he would distort the truth to vilify me so that he could justify his predetermined ruling.

Therefore, I was determined to conduct myself in a manner that would be beyond reproach and let Digangi shoot himself in the foot with slanderous allegations about me that he would not be able to justify later to the appeals court with either the documented evidence or the recorded transcripts.

If I had so much as rolled my eyes or expressed even a hint of frustration, then my strategy to expose him as a fraud would have failed. I needed to provide absolutely nothing that he could reference to verify the false allegations and baseless conclusions that I knew would come from him later.

I contend that I did just that and have the hearings tapes and transcripts to prove it.

On June 4, 2004, after a one-day trial that denied to me my due process rights to be heard, to present evidence and witnesses favorable to my case, to confront witnesses against me, and to be presumed innocent until proven guilty; Digangi rewarded the Mother with sole legal and physical custody for lying under oath, for committing perjury in legal documents, for conspiring with co-workers and her mother to fabricate false allegations against me, and for disclosing her evidence exactly one week prior to the trial, four months *after* discovery was ordered to be complete.

To prevent me from discrediting the Mother and proving that I am overwhelmingly the fitter and more credible parent, Digangi precluded me from presenting every one of the 55 exhibits that I had timely pre-marked for the trial.

Digangi accomplished this by repeatedly sustaining the Mother's merit-less objections and only allowing me to argue my case on the stand as my own witness without access to my notes and exhibits.

Digangi also precluded me from questioning the court officer, Officer Scott Prater, who had agreed to testify to the FACT that the Mother had LIED to the DSS with her claim that I had been reprimanded for inappropriate and abusive actions in court and that the court was putting extra officials in the courtroom due to my behavior.

When I objected to these due process violation and pointed out that the Mother's attorney did not face such restrictions, Digangi responded:

You're acting as your own counsel. You put yourself in this predicament.

A DSS worker, who had never met me prior to the trial, was called to the stand to testify as a witness for the Mother to what the Mother's "hand-picked" accomplices had communicated to her.

When I objected to this "hearsay" witness and attempted to expose the lies contained in her DSS report, which would have rendered the report worthless before an honorable court, Digangi preserved the report's credibility and the credibility of this DSS "witness" by directing me to move on with the claim:

The purpose of this investigation by this witness was not to investigate you, sir, in any way. Bear that in mind."

Digangi and a three-judge panel of the appeals court did not "bear that in mind" since they both referenced this report, made up entirely of legally inadmissible hearsay, to justify their rulings.

This hearsay "accommodation" also did not go both ways. My single witness and I were cut off numerous times at the instant we attempted to testify to anything communicated to us by someone else (i.e. the police, the Mother's brother, the court officer).

I was not able to confront the Mother's false witnesses against me because the three individuals who were quoted by the DSS investigator while on the stand were not in the courtroom.

I did not have the opportunity to subpoena these "witnesses against me" because, as stated earlier, the Mother did not submit her evidence or witness list until a week before the trial.

To conceal his misconduct, Digangi impounded the case without notifying the parties; without a request to impound from either party; and without a written statement of reasons, as required by law, to impound *any* case that is presumptively open to the public. See the "Guidelines on the Public's Right of Access to Judicial Proceedings and Records".

To conceal his misconduct at the appeals court level, Digangi slandered me, fabricated evidence to discredit me, and plagiarized most of the Mother's fraudulent findings as his own to produce his "findings of fact" for the appeal of the case.

All that Digangi required as proof was that the Mother and her attorney were alleging it.

Consequently, the outrageous LIES that were passed on to the appeals court as "findings" to support his ruling included the claims that I am narcissistic, that I idealize myself, that my word is not credible, that I created an intolerable work environment for the Mother, that I refused to attend my son's doctor's appointments, and that I frequently used profanity and acted inappropriately in my son's presence.

Digangi was also the original judge to ban my book.

Aware of the advantage that she had in Digangi's court, the Mother's attorney went "judge shopping" for Digangi in Salem to hear her March 2, 2006 *ex parte* motions to ban my book rather than bring the matter to Lawrence where all previous hearings had taken place.

At this hearing, Digangi allowed the Mother's attorney to "hand-write" her improperly-filed motions as a complaint so that he could temporarily ban a book that he never reviewed.

Digangi allowed the Mother's motion(s) in defiance of the following facts:

- (1) The Mother's attorney showed up in court with "motions" not the "complaint" required by law to properly open up a new case.

- (2) There was a clear conflict of interest for Digangi to rule on a book in which his misconduct and specific crimes against me are exposed.
- (3) There was no urgency to rule on the book without my presence in the courtroom.
- (4) And any restraints on speech, no matter how temporary, without specific written findings, are a violation of the First Amendment.

At approximately 8 PM that night, I was served with two "orders" on legal size paper notifying me that I was temporarily restrained from distributing my book and informing me that a hearing had been scheduled on the matter for March 10, 2006.

These were the only two documents served on me and they did not include either a time or place for the hearing. I had to call the court to find out.

A handwritten "Complaint in Equity" is now contained in the case file, time stamped and listed in the docket record as filed on March 2, 2006.

The first time that I ever saw this document was on June 16, 2006, six weeks after the *ex parte* hearing to ban my book, when I went to the Salem courthouse to review my file.

At the March 10, 2006 hearing before Digangi, the Mother's attorney, Debra Dow, approached me in the courtroom to hand me the Mother's *ex parte* motion to impound and the Mother's *ex parte* motion for a temporary restraining order - both dated March 2, 2006.

Not even on this date, eight days after a complaint was allegedly filed with the court, did I receive such a document.

It is for this reason that I believe that the "complaint" was fraudulently filed after the fact. If Attorney Dow had improperly filed motions instead of a complaint on March 2, 2006, which required her to write up a complaint while in the courthouse to get her case heard, I would think that such an event would be memorable enough for Attorney Dow to remember to serve me with a copy of that handwritten complaint as required by law.

At this hearing, Digangi informed the parties that he did not have the jurisdiction to hear the case and then immediately defied that statement by extending his temporary "book ban" to March 22, 2006, the date scheduled for the matter to be heard by Manzi.

In June of 2006, Digangi somehow convinced First Justice Mary Anne Sahagian to transfer the "book ban" case back to him from Manzi, who was taking heat in the media and with the ACLU for banning a book that was not even submitted into evidence by the moving party.

My written request to First Justice Sahagian to explain why she reassigned the case to the only judge in the state with a greater conflict of interest than Judge Manzi was ignored.

Barring perjury from court personnel, witnesses also exist who can confirm the disturbing fact that Digangi was going through my case file at least two weeks *prior* to the time that the "book ban" case was reassigned to him.

On June 29, 2006, a day after the reassignment, Digangi scheduled a pretrial conference on the matter for October 10, 2006 - more than seven months from the day that he originally banned my book.

Digangi's postponement of the matter was a criminal defiance of my constitutional rights. There is particular urgency where prior restraints of speech are concerned because "any First Amendment infringement that occurs with each passing day is irreparable..." Nebraska Press II, 423 U.S. at 1328.

For clarification, the book was officially "banned" at the time that Digangi scheduled the October 10, 2006 pretrial conference.

Opposing counsel filed for a continuance less than a week before the pretrial conference, which Digangi granted over my objections, postponing the matter for six more months to April 10, 2007.

Since Digangi had failed to respond to my previous motions for his recusal (filed on March 10, 2006 and September 29, 2006); I filed and scheduled for hearing a third motion to recuse on December 19, 2006.

In defiance of the fact that Digangi is listed as a defendant in a lawsuit that I filed in federal court, is the subject of two complaints to the Commission on Judicial Conduct, is called "a dangerous combination of arrogance, ignorance, and incompetence" in my book; and is required to recuse himself from *any* case where there exists an appearance that he cannot be impartial, Digangi immediately denied this motion after hearing on December 29, 2006.

This motion was denied so that he could continue to play games with me and add to my costs.

At the April 10, 2007 pretrial conference, Digangi "misplaced" four pages of my five-page motion to dismiss the book ban case, which was hand-delivered to the courthouse as an intact, five-page document on March 9, 2007, so that he could give the Mother, who was now representing herself pro se, additional time to file an opposition to my motion.

The Mother submitted her opposition to my motion to dismiss on April 19, 2007, a full month after the deadline for a response, which Digangi used to deny my motion.

After waiting three months following the pretrial conference for Digangi to schedule a trial on the matter, the Mother requested a trial assignment herself on July 11, 2007.

Digangi ignored the Mother's request for a one-hour trial and instead scheduled another pretrial conference for September 12, 2007, the third scheduled pretrial conference since the Mother's complaint was brought into Digangi's courtroom 17 months earlier.

On August 7, 2007, I filed an "assented to" motion to cancel this baseless pretrial conference and schedule the Mother-requested trial on the matter. I wrote in the motion my contention that Digangi had scheduled another pretrial conference to further retaliate against me and make this case as costly and time-consuming as possible.

Digangi not only denied this motion, but postponed the date for the pretrial conference to November 9, 2007, two more months into the future and 19 months from the date that the Mother's complaint was filed.

This was the straw that broke the camel's back. Since my book was an issue that was being addressed in federal court as part of my lawsuit against five state court judges, including Digangi, and since any ruling from Digangi would be illegal and therefore null and void, I was able to convince the Mother to dismiss the case before Digangi provided that I make the book unavailable to the public until the matter could be heard and ruled on in federal court.

**Massachusetts Appeals Court Judges Andre A. Gelinas, Elspeth B.
Cypher, and Joseph A. Trainor**

Nothing in my book, "Exposing the Corruption in the Massachusetts Family Courts," generated more outrage and feedback than the chapters on the three judges listed above, who fraudulently called my appeal "frivolous with no basis in FACT or LAW" to extort thousands of dollars from me to pay double the Mother's attorney fees and costs.

In effect, I was fined \$8,606.72, plus \$600 in filing fees, for reporting judicial misconduct; for incorrectly assuming that constitutional law, state law, U.S. Supreme Court case law, and fundamental parental rights applied to fathers in family court; and for incorrectly assuming that the Massachusetts appeals court would consist of judges who were honorable.

Following Digangi's lead, this three-judge panel of the appeals court concealed *its* self-evident crimes against me by illegally impounding the case at this level and denying me the opportunity to make an oral argument.

It is a FACT that my appeals court brief and reply brief are all the evidence needed for an impartial jury to find the three-judge panel of the appeals court guilty of crimes that should have all three of them facing jail time, sanctions, and removal from the bench.

Attached to my appeals court documents as addendum items were six "chalks", which communicated with specificity the FACTS pertaining to my appeal. The chalks were titled:

- (1) Court Comments with Rebuttals;
- (2) Lies, Inaccuracies, and Distortions of the Truth Listed as Facts in Judge Digangi's "Findings of Fact" Document;
- (3) Lies in the DSS Report;
- (4) Lies in the Restraining Order Statements;
- (5) Meritless Objections Sustained by the Court;
- (6) and a Parent Fitness Comparison Chart.

The "detail" contained in these "chalks" is all the evidence needed to substantiate the fact that the appeals court committed fraud when it claimed that my appeal had "no reasonable basis" in FACT.

The references to the law contained in my appeals court documents included the due process and equal protection clauses of the Fourteenth Amendment; numerous case law citations pertaining to gender discrimination and parental rights; and numerous other rules and statutes, including M.G.L. c. 208, §31, which states:

In making an order or judgment relative to the custody of children, the rights of the parents shall, in the absence of misconduct, be held to be equal...

The law and case law summarized above and communicated in much greater detail in my briefs are all the evidence needed to substantiate the fact that the appeals court committed fraud when it claimed that my appeal had "no reasonable basis" in LAW.

My petition for rehearing to the same three-judge panel of the appeals court and my application for further appellate review to the Massachusetts Supreme Judicial Court were both denied without explanation in defiance of the fact that I discredited every bogus "fact" and rebutted every flawed argument contained in the appeals court's September 30, 2005-issued "Memorandum and Order."

The denial of my petition for rehearing should be all the evidence needed to substantiate the fact that the appeals court KNOWINGLY defied the facts and law of this state court appeal to rule against me.

The appeals court ruling not only defied the Equal Protection and Due Process clauses of the Fourteenth Amendment, but also the Eighth Amendment, which prohibits excessive fines from being imposed.

After my story went public and national with Judge Manzi's "banning" of my book, I received emails and phone calls from lawyers and law professors all over the country, who reviewed my book.

One lawyer shared with me that he had examined my appeals court brief and reply brief, as cut and pasted into my book, and conceded that he could not have written a better appeal himself. As he put it, "it can hardly be disputed that your legal arguments were clearly articulated, applicable to the law, and substantiated by your facts."

Another reader of the book advised me to take my case outside the collusion and corruption of the Massachusetts court system and sue the judges involved in my case in federal court.

This self-identified law expert called the appeals court ruling "an egregious betrayal of public trust and the laws of the land that these three judges had sworn to uphold and, consequently, an act of treason against the country."

If I had limited time to prove judicial corruption, I would request that my appeals court documents be reviewed first - documents, which the appeals court allegedly reviewed to call my appeal frivolous; which the CJC allegedly reviewed to conclude that there was no evidence of judicial misconduct; which the state's Supreme Judicial Court allegedly reviewed to deny my application for further appellate review; which U.S. District Court Judge Douglas P. Woodlock allegedly reviewed before dismissing my case in federal court, and which a three-judge panel of the First Circuit's U.S. Court of Appeals allegedly reviewed to affirm Woodlock's dismissal.

It is a FACT that my appeals court brief and reply brief are all the evidence needed for an impartial jury to find the three-judge panel of the appeals court guilty of fraud and extortion.

Since this evidence is blatantly self-evident, it also implicates every judge who has reviewed these documents since this ruling and done nothing.

Arbitrator Gary D. Altman

The crimes committed against me by this arbitrator pertaining to a wrongful termination from my tenured teaching position in Methuen are being communicated because three Essex Superior Court judges have obstructed justice for over a year now to avoid hearing my complaint for judicial review of this arbitrator's law-defying ruling.

It is my contention that the arbitrator was illegally influenced by the Massachusetts Teachers Association to rule against me.

My proof is that no one could possibly be as incompetent as the arbitrator's ruling would prove him to be and the fact that the MTA, which refused to represent me in this arbitration case, was singing the praises of this particular arbitrator by name in federal court, days before the release of his ruling.

It is the reason why I suspect my teachers' union ("MTA") and not my employer of illegally influencing the arbitrator.

The MTA certainly had a motive. I have a multi-million dollar lawsuit pending against them for breach of contract, negligence, and retaliation.

Since I had already succeeded at two prior evidentiary hearings on the issue of my wrongful termination, it would have made it difficult if not impossible for the MTA to justify its negligent failure to provide me with legal services and arbitration costs to which I was entitled as a paying union member, if I had succeeded for a third time on the merits of my case.

I was fired for reporting an act of workplace harassment via email to 25 specific staff members in Methuen, which the school creatively interpreted as a violation of a prior agreement between me and the previous superintendent.

The school system's personnel manager and superintendent both stated at court-recorded evidentiary hearings that I was fired for sending the email and that **I would NOT have been fired if I had not sent it.**

These evidentiary hearings were conducted by the Division of Unemployment Assistance and its Board of Review, which both concluded that the email was NOT grounds to fire me.

Even the arbitrator, who would have had to contradict findings that had become final with the failure of Methuen to appeal the unemployment case further, had to concede that the email was not a violation of the prior agreement and that it was not grounds to fire me.

So instead, the arbitrator came up with his own "theory" to justify my dismissal, which he called the school system's "progressive discipline."

This "progressive discipline theory" required the arbitrator to ignore the burden of proof that the school system was legally required to overcome; ignore the fact that I did not have the opportunity to confront the school system's witnesses against me (because none were at the hearing to question); and ignore the pages and pages of well-supported facts and argument contained in my arbitration brief and reply brief, which confirmed the FACT that the school system's "progressive discipline" was nothing more than a paper trail of fraud, baseless allegations, and First Amendment-defying reprimands, generated by six specific staff members and the former superintendent to run me out of the school system.

I refer to the arbitrator's progressive discipline argument as a "theory" because the school system did not even attempt to justify the "other" disciplinary actions against me with either witnesses or evidence that had not already been discredited by me at the hearing and in my post hearing briefs.

The arbitrator's "progressive discipline theory" also required him to disregard item 3 of the "Prior Agreement", which was signed on June 29, 2006 and which unambiguously states:

Mr. Thompson shall not be in violation of this agreement for any actions or statements, either orally or in writing, made prior to the execution of this Agreement.

Incredibly the arbitrator accepted the school's absurd claim that this provision would only apply "so long as there were not any future disciplinary actions".

This claim is not any less absurd than an insurance company providing collision coverage "so long as" you do not get in an accident.

I know exactly why this provision was included in the agreement because I wrote it. It was included to wipe the slate clean and prevent the school from *ever* referencing the baseless paper trail that had been generated over the previous three years to run me out of the school system.

And since the arbitrator admitted that the email was NOT a violation of the prior agreement, then there were not any "future disciplinary actions" to even cite to allege that this provision should not apply.

Ironically, what the arbitrator called "progressive discipline" is my evidence of employer fraud, employer retaliation, workplace harassment, and the "grounds" for my federal court lawsuit against the school system and the MTA.

The "issue" before the arbitrator was whether there was just cause under General Law chapter 71, section 42 to dismiss me from my tenured teaching position. Under this law, the school district had the burden to prove that I was dismissed for inefficiency, incompetency, incapacity, conduct unbecoming a teacher, insubordination, or failure on the part of the teacher to satisfy teacher performance standards.

From the list of reasons that a school district can reference to justify the dismissal of a teacher with professional status; "conduct unbecoming a teacher" and "insubordination" were the only reasons even referenced.

With the burden of proof to overcome, the school district did not produce a single first hand witness to testify that I had been "insubordinate" and based its "conduct unbecoming a teacher claim" solely on its opinion that my reporting of workplace harassment to a select group of teachers at the high school was "unbecoming."

The arbitrator himself referred to my behavior as "unbecoming" in his "Decision and Award" with a reference to an arbitration case that called a "pattern of persistent disruptive behavior and clashes with colleagues" unbecoming a teacher.

For this case to apply, it would require that I was actually guilty of "a pattern of persistent disruptive behavior and clashes with colleagues", **which I was not!**

This conclusion was reached by blindly accepting the school system's unsupported fraud on the arbitrator as fact.

The "school disruptions" that were blamed on me can be counted on three fingers:

- (1) I wrote a letter on the corruption occurring in my local union's nomination and election process and distributed the letter to my fellow union members via faculty mailboxes (which happens to be a protected union activity).

A small group of union-connected lunatics at the high school responded to the letter by running around the school to rant and rave to whoever would listen; by stealing the letter from individual faculty mailboxes at the high school; and by falsely accusing me of using school supplies and students to produce and distribute the letter.

- (2) I faxed a letter to the MTA's regional office, requesting an investigation into Methuen's nomination and election process (another protected union activity), and I discreetly shared the letter with four people, who each kept the content of the letter to themselves.

The MTA forwarded this private letter to my Union President, Diane Dandreta, who I was suing at the time and who illegally passed this letter around the school to generate her own disruption in the school setting at my expense.

- (3) I received an anonymous harassing note in my faculty mailbox and shared the note and my thoughts on who would write such a note in a private email addressed to 25 teachers.

The same group of union-connected lunatics found out about the email and, once again, ran around the school during school hours to rant and rave to whoever would listen or was forced to listen to their nonsense.

With the exception of my own union's persistent efforts to slander me with false allegations, which were only a disruption for me, these three incidents represent ALL of the school "disruptions" during my nine plus years at Methuen High School.

I was disciplined and ultimately fired for behavior that pales in comparison to the "over the top" reaction from my enemies, who did not receive so much as a slap on the wrist for their more significant "hand" in the disruptions.

With regard to alleged "clashes with colleagues", I got along quite well with the vast majority of teachers at the high school.

The only people who had a problem with me, for no other reason than because they did not like what I had to say about my union, are the individuals who I call out by name in my email - the same six people who the superintendent questioned exclusively to arrive at her wildly biased opinion of me and my impact on the "atmosphere" at the high school.

The only evidence that the arbitrator required for proof of the lies expressed by the school system was that someone wrote these lies down on paper.

And it was apparently irrelevant to the arbitrator that the majority of these lies were written by the former superintendent, whose character, integrity, and paper trail were not only challenged, but discredited by me at the arbitration hearing and in my post hearing briefs.

The only thing that the principal and superintendent proved at the arbitration hearing, as "first hand witnesses", was that the union president and her five accomplices put on a tear-filled performance for the superintendent to dupe her into believing that their ignorant, malevolent opinion about me represented that of the majority of teachers at the high school.

For the record, I never had a one on one "clash" or "confrontation" with any of these people during my nine years at the high school.

Their irrational hatred toward me was based ENTIRELY on the fact that I sued one of their friends (the union president) and exposed the corruption in our union's nomination and election process.

That is the full extent of what they know about me, my character, and the relationships that I have with other teachers at the high school.

Unfortunately for me, this vocal minority has the ear of the high school and central office administrators in the school system, who incompetently believe whatever these lunatics say to them.

Article XII of the Massachusetts Constitution (which affirms the rights secured by the U.S. Constitution's Sixth Amendment) states that "every subject shall have the right to produce all proofs that may be favorable to him, to meet the witnesses against him face to face, and to be fully heard in his defense."

The school system did not produce a single first-hand witness at the evidentiary hearing to testify because, as I argued at the hearing and in my briefs, there was not a single individual at the high school, who could substantiate the slander being expressed about me without committing perjury.

The arbitrator's due process-defying response to this argument was that the Employer, specifically Jeanne C. Whitten, who became Superintendent just six months before firing me, did not have to produce any firsthand witnesses because her hearsay testimony was good enough.

As argued by the arbitrator in his Decision and Award:

Superintendent was new to the school system and had no prior history with Mr. Thompson, thus her observations were not biased or influenced by past events."

Whether the superintendent was "biased or influenced by past events" is irrelevant since it is a fact that she did not "observe" anything herself or testify to anything herself that supported her decision to fire me.

The superintendent testified to the fact that her negative opinion of me was based entirely on the agenda-driven hearsay conveyed to her by the six people who I call out in my email as my six enemies at the high school.

I do not dispute that the superintendent accurately "parroted" the lies that were told *to her*, what I take issue with is the fact that these false witnesses were not at the hearing for me to confront under oath.

M.G.L. c. 71, § 42 also required the school district to provide me with the grounds for my dismissal in "sufficient detail".

In the arbitration case of Whittier Regional Voc. Tech. High School v W.R. (AAA # 11 390 2098 95), the arbitrator overturned the dismissal of a long-term teacher with the finding that the district's claim that the dismissal was based upon conduct unbecoming a teacher, insubordination, failure to follow directives and school policy, and knowingly making false statements in documentation regarding students and a parent did not constitute "detailed grounds" for dismissal.

The only "detailed" reason given for my dismissal was the email, which the school creatively called "insubordination, conduct unbecoming a teacher, extreme disruption of the efficiency and effectiveness of the educational process at Methuen High School, and other just cause, including a violation of the terms of an Agreement reached with [me] on June 29, 2006."

Also, pursuant to M.G.L. Chapter 71, Section 42, the school district was the party with the burden of proof to overcome.

In the arbitration case of Hester v. City of Lawrence, the arbitrator noted the absence of first hand witnesses to rule that there was insufficient evidence to warrant [Hester's] termination and ordered him back to work with back pay.

The arbitrator in this case concluded that the presence of first hand witnesses, who the employee could cross-examine, was "a necessary component at the hearing to buttress the city's position."

With a reference to the Fourteenth Amendment of the U.S. Constitution, which protects every citizen's right to due process and equal protection under the law, the arbitrator established his "standard" for admissible evidence with his denial of my attempt to submit the findings from two previous evidentiary hearings into evidence, referring to this documentation as "inadmissible hearsay".

What can be verified is that this "standard" was only a restriction for me since the school system's evidence did not include a single exhibit in support of the arbitrator's "progressive discipline" theory that was anything but school-generated "inadmissible hearsay".

Another double standard should be noted here.

On September 27, 2007, at the appeal of the unemployment decision, which was appealed by the "Town of Methuen" after the Division of Unemployment Assistance ("DUA") ruled against them, my attorney referenced the initial disqualification letter for unemployment benefits, where it states that I was discharged because "I continued, after warning, to engage in inappropriate behavior in violation of a June 29, 2006 agreement between [my] work and [my]self."

When the superintendent was asked to explain the violations of the agreement that had occurred prior to my email and produce the "warning" that I had allegedly received for violating that agreement prior to Whitten's notice to dismiss me, the school's attorney jumped in to object and allege that Whitten could not answer these questions with the claim:

I don't think Dr. Whitten can answer any questions about the disqualification for benefits. She didn't author it. It's a decision made by the agency. And the wording is chosen by the agency.

But that did not stop the superintendent and the principal from commenting on numerous baseless warnings and reprimands that I had received and that they had not "authored" at the arbitration hearing.

In fact, the only document with the superintendent's name on it, prior to her dismissal letter, was the notice of intent to dismiss me, which was also signed by the principal, who told me himself that this particular document was authored by the school system's lawyers and not him, when I asked him to explain the lies contained in that particular document at a job fair that we both attended in Lowell.

The school system was allowed to submit whatever it wanted into evidence over my objections while I was precluded from submitting several exhibits into evidence, including the evidence which substantiated some of the fraud contained in the Employer's post-hearing brief.

I was also "muzzled" when I attempted to communicate the school's "double standard" interpretation of "conduct unbecoming a teacher" with a reference to the indiscretions of my own department head, who did not receive so much as a slap on the wrist for his very public arrest in a prostitution sting.

It is self-evident to anyone who examines the briefs and reply briefs submitted by both parties and compares them to the arbitrator's 29-page Decision and Award, that the arbitrator completely disregarded every substantiated argument and rebuttal contained in my 34-page brief and 19-page reply brief and based his findings exclusively on the discredited hearsay and fraud conveyed by the school system's lawyer, Ed Lenox.

I discredited the school system's hearsay "sources" one by one on pages 6-11 of my post-hearing brief and discredited the school-generated paperwork one exhibit at a time on pages 11-24 of the same brief.

A reply brief then became necessary when Attorney Lenox resorted to fraud in *his* post-hearing brief to slander me.

Arbitrator Altman literally had no other choice but to rule in my favor if he were to have adhered to the law and had based his ruling on the admissible evidence and testimony presented at the arbitration hearing and argued in the post-hearing briefs.

When the American Arbitration Association informed me that they do not hold their arbitrators accountable, I filed a motion on April 25, 2008 to amend my federal court lawsuit to add the arbitrator as a defendant.

This motion was denied by U.S. District Court Judge Douglas P. Woodlock on May 2, 2008 with the claim that I had remedy in state court to hold the arbitrator accountable pursuant to M.G.L. c. 150C.

After reviewing M.G.L. c. 150C § 11 to learn that it gives superior court the power to vacate an award for several reasons upon "application" of a party, I made a trip to Lawrence's Essex Superior Court in person to inquire about the application process pursuant to this specific law.

In response to my request for information regarding M.G.L. c. 150C, a clerk handed me a "Complaint for Judicial Review" template.

I immediately questioned the fact that this template was written as a "complaint" and not an "application" and the fact that it was written pursuant to M.G.L. c. 30A, § 14 and not M.G.L. c. 150C.

The clerk assured me that this template applied to both General Laws and that an "application" was the same thing as a complaint for judicial review.

Accepting this information as accurate, I filed a complaint for judicial review on May 13, 2008, well within the 30 day time period to appeal the arbitrator's decision.

With the exception of replacing M.G.L. c. 30A with M.G.L. c. 150C and modifying the claims for relief to comply with M.G.L. c. 150C; I followed the template to the letter.

A task required to follow the template meant listing the "decision-maker" as the defendant.

Since it is the arbitrator's name on the "Decision and Award", I logically assumed that the arbitrator should be listed as the defendant and served him with the summons and complaint via the American Arbitration Association per *their* instructions.

Essex Superior Court Judge Thomas Murtagh

Essex Superior Court Judge Thomas Murtagh dismissed my complaint for judicial review of the arbitrator's decision, not on the merits of my complaint, but because he falsely-claimed that the complaint was not served on the appropriate defendant.

For the record, I had appropriately listed the arbitrator as the defendant because it was the arbitrator who had defied the law and the facts of the case to affirm my wrongful dismissal and because it was the arbitrator who I had alleged was illegally influenced by the Massachusetts Teachers Association to rule against me - **allegations which are to be taken as true when ruling on a motion to dismiss.**

Murtagh's reason for dismissing the case not only contradicted the applicable laws and the "complaint for judicial review" template that I had obtained in Lawrence's Superior Court, but it also contradicted the advice that I had received from U.S. District Court Judge Douglas P. Woodlock.

Murtagh also dismissed the case without a hearing, without a filed motion to dismiss, and without giving me the opportunity to correct the falsely-alleged defect before dismissing the case, in defiance of the fact that courts are to go to particular pains to protect pro se litigants from the consequences of technical errors if injustice would otherwise result. See U.S. v. Sanchez, 88 F.3d 1243 (D.C. Cir. 1996).

The injustice was clear. As previously stated, I was wrongfully dismissed from my tenured teaching position in Methuen for reporting an act of workplace harassment against me, which the arbitrator himself admitted was not grounds to fire me.

When I responded to Murtagh's dismissal of the case with a motion for reconsideration to challenge his claim that "a complaint alleging disagreement, fraud, etc. in connection with an arbitration proceeding must be pursued in a manner different than in suing the arbitrator directly," Murtagh added the claim that service of process was insufficient.

Since a motion to dismiss was not filed by the arbitrator, since a defense of insufficiency of process is "waived" if not asserted in a timely motion or responsive pleading, since I had documented proof that the summons and complaint *were* served on the arbitrator, who admitted to receiving the complaint in an affidavit, and since the failure of the arbitrator to respond to the complaint in a timely manner should have resulted in an allowance of my motion for a default judgment; I filed a motion to quash the process and allow issuance and service of an amended complaint pursuant to Massachusetts General Law, Chapter 223, Section 84.

Murtagh never did respond to this motion and eventually recused himself from the case when I added him to my federal court lawsuit.

Essex Superior Court Judge Francis A. McIntyre

The case was transferred to Judge Maureen B. Hogan, who postponed a scheduled hearing on the matter from October 9, 2008 to October 21, 2008, when it was heard by Judge Francis A. McIntyre, who denied my motion to quash the process and allow issuance and service of an amended complaint on November 14, 2008 without responding to any of the legitimate reasons expressed for why this motion should be allowed.

Since the only reason to deny this motion is one that reeks of malice, it is my contention that McIntyre denied it to add to my costs and retaliate against me for suing several state court judges, including her Essex Superior Court colleague (Judge Murtagh).

Essex Superior Court Judge Kathe M. Tuttmann

Forced to pay another \$365 in filing fees and constable fees to re-file and serve an amended complaint for judicial review, the case was randomly assigned to Judge Paul Chernoff and transferred at a later time to Judge Kathe M. Tuttmann.

This transfer represented the third straight time that one of my Essex Superior Court cases was transferred from the judge randomly assigned to the case at the time that it was filed to a new judge.

In each of these three cases, the transfer to a new judge was manipulated by continuing the case into the future, and in each of the two previous cases, the case was transferred to a judge **who proved to be corrupt**.

My complaint for judicial review was filed on November 25, 2008 and not scheduled for hearing until March 19, 2009 on the Methuen public school's motion to dismiss the complaint.

This hearing was postponed a second time to April 30, 2009.

Both parties showed up for this hearing to be told that the judge was unavailable and that the hearing would need to be rescheduled again.

Since there was more than enough information contained in my complaint and response to the defendant's motion to dismiss to deny this motion, I agreed to have the motion decided on the written pleadings.

Rather than rule on the motion on the written pleadings, Tuttmann rescheduled the hearing four more months into the future to August 27, 2009.

After communicating my objection to this date, Tuttmann moved the hearing up to July 8, 2009.

The jury is still out on Tuttmann, but if "business as usual" continues in Essex Superior Court, Tuttmann will defy the law to dismiss my complaint shortly after this hearing.

Essex Superior Court Judge Merita A. Hopkins

My *other* Essex Superior Court case is a libel lawsuit against a local monthly publication, The Valley Patriot, which was originally assigned to Judge Christine M. Roach.

A hearing was scheduled by Judge Roach for October 8, 2008 on *my* motion to dismiss the Valley Patriot's frivolous counterclaim.

This hearing was postponed to November 4, 2008 and postponed a second time to December 18, 2008, when it was heard not by Judge Roach, but by Judge Merita A. Hopkins.

Hopkins proved herself to be corrupt by defying the law and the facts of the case to dismiss my lawsuit, forcing me to appeal the case to the Massachusetts Appeals Court.

To be more specific, Hopkins committed fraud to claim that the Valley Patriot had filed a "motion to dismiss" to dismiss a case that she could not dismiss legally without such a motion; she ignored the proven perjury contained in the Valley Patriot's responsive pleadings; and she selectively referenced those excerpts that she thought she could "spin" to justify a dismissal while omitting from her "Memorandum of Decision and Order" the most flagrant examples of libel in the subject article.

According to Hopkins, it was not "libel" for Paula Porten, a family court attorney in the Merrimack Valley, to fraudulently allege under the guise of a male pen name that my book on family court corruption contains "slanderous statements attributed to Judge Manzi, Judge Digangi, the court clerks, the mother, and the mother's lawyer"; nor was it "libel" for Paula Porten to fraudulently claim that my book contains "sensitive and privileged information" about my son.

According to Hopkins, it was not "libel" for someone who has never met me either in or outside of a courtroom to describe me as a disgruntled dad, constantly angry, disrespectful of the court's procedural rules, and incompetent at representing myself in court.

According to Hopkins, it was not "libel" for the owner of the Valley Patriot, Tom Duggan, to deflect the blame from his "writer-attorney-girlfriend" by

slandering me himself in emails to critics of Porten's article with the fraudulent claim that I have children from a previous marriage who I barely acknowledge.

And according to Hopkins, it was not "perjury" for Paula Porten (and Tom Duggan) to deny that Porten wrote the article for two years, including a written denial of this fact to the court, before admitting in an affidavit, signed under the pains and penalties of perjury, that she had in fact written the article and that her "sources" for the article included documents, **which did not exist at the time that she wrote it!**

This judge added insult on top of injury by rewarding the Valley Patriot for its fraud on the court and bad faith litigation with an order allowing *them* to recover their legal costs.

Essex Family Court Judge John P. Cronin

On June 25, 2007, the case pertaining to my complaint for modification of my child custody orders was transferred from Manzi to Cronin.

From the time that the case was transferred, Cronin did everything in his power to sabotage my case and look the other way when I presented conclusive evidence of fraud on the court and bad faith litigation committed by my son's mother and her lawyer(s).

At the initial July 11, 2007 hearing, Cronin would not schedule a trial, but instead delayed the case further by scheduling another pretrial conference for September 20, 2007.

It should be noted that this case was put on an eight-month track assignment in June of 2006, which means that it was supposed to be heard AND ruled on by February of 2007.

When I proved at this hearing with the ruling itself that the Mother's attorney had committed fraud on the court with the claim that her previously filed motion to dismiss my complaint had not been denied, Cronin rationalized away this act of fraud as a misinterpretation.

Forced to read the ruling to him a second time to emphasize that there was nothing ambiguous about it, Cronin snapped at me and said, "Why are you reading it to me again? I heard you the first time."

Cronin never did respond to my motion for sanctions against the Mother's attorney for fraud on the court and for bringing the same template motions to the court that had already been heard and denied by Judge Manzi.

On October 31, 2007, at a hearing held to respond to the Mother's production of a counterfeit restraining order and a tampered birth certificate for our son's school records, the Mother showed up to court with a new attorney.

The new attorney handed me several untimely-served motions to be heard that day, including a motion to "continue" the trial to accommodate his vacation plans.

Although I objected to these untimely-served motions and pointed out that the new attorney was aware of the scheduled trial date when he agreed to take the Mother on as a client, the motion was allowed and the trial date was pushed from February 5, 2008 to March 3, 2008, more than twenty months from the date that the complaint was filed and put on an eight-month track assignment.

At this same hearing, Cronin also ignored the fact that the Mother's previous attorney was legally required to appear in court with a "motion to withdraw" to withdraw from a case that had already been scheduled for trial.

Although these law-defying items were brought to Cronin's attention, my motion for reconsideration of the continuance was denied on November 26, 2007 without explanation.

When the Mother and her attorney failed to respond to my discovery requests and email notices, I filed a motion for orders to compel discovery, which was heard on January 2, 2008, and denied on February 1, 2008.

At the March 3, 2008 trial, it became clear that Cronin intended to "railroad" me.

Although I had prepared for twenty months to make an opening statement and a closing statement, I was told at the start of the trial that opening and closing statements would not be happening.

This notice was given at 9:40 AM, which was the time that the Mother's attorney showed up to court for this 9:00 AM scheduled trial. My objection to this due process violation was overruled.

And although I was told prior to the trial that I would be allowed to testify by making a statement, I was denied access to my notes when I took the stand. My objection to this directive was also overruled.

Fortunately, the trial was not resolved in one day and I had that night to rewrite my notes as questions to respond to Cronin's attempts to sabotage my case.

On the second day, I notified the court that I would be completing my testimony by standing to question myself and then taking a seat to respond.

When Cronin and opposing counsel protested, I pointed out that opposing counsel was allowed to refer to his notes to question his witnesses. I argued that if I were not allowed that same option, it would be a violation of my rights to due process and equal protection under the law. I also pointed out that my son's fate was too important to "wing it."

Cronin grudgingly accepted this argument and allowed me to refer to my questions during my testimony without having to stand.

Although I proved conclusively with my 33 exhibits and the Mother's evasive testimony that the Mother had used our son as a pawn to play games with me, had denied visitations, had interfered with phone communication between my son and I, had repeatedly committed fraud on the court, had manufactured a counterfeit restraining order to deceive our son's school to believe that there was a restraining order against me, had tampered with our son's birth certificate to enroll him in school under a false name, had failed to inform me of school and medical-related matters, had falsely claimed that our son was hospitalized in a failed attempt to get me put on supervised visits, and had defied Cronin's own orders as they pertained to the production of documents; my complaint for modification of the child custody orders was denied without any modifications, leaving me without joint legal custody and without overnight visitations with my seven year old son

It took Cronin three months to write his 3-page Judgment, which was eleven months after the case was transferred to him and two years after the case was put on an eight-month track assignment.

In his Judgment, Cronin fraudulently claimed that he had assessed "the credibility of the witnesses" and weighed "the relevant and credible evidence" so that he could ignore my truthful and accurate evidence, which overwhelmingly justified a transfer of custody from the Mother to me.

I write "fraudulently claimed" because it was not possible for an honorable and competent court to "assess the credibility of the witnesses" based on what actually occurred at the trial and credit anything alleged by the Mother OR discredit anything alleged by me.

With the exception of a wildly baseless claim made by opposing counsel at the conclusion of the trial, my credibility was not even challenged, while I presented exhibit after exhibit to prove that the Mother's word was NOT credible.

The trial would have been a landslide victory for me before any judge but one with an agenda to retaliate against me as the plaintiff in a lawsuit against several of his colleagues, including Cronin's Salem courthouse "buddy" (Judge Peter C. Digangi).

My response to this "travesty of justice" was to file a Motion to Amend the Judgment on June 20, 2008.

The Motion to Amend the Judgment was filed with the expectation that it would be denied and provide me with additional documented proof that corrupt judges, like Cronin and the judges already listed as defendants in my federal court complaint, will knowingly defy the laws of the land that they have sworn to uphold if they think that they can get away with it.

As expected, my Motion to Amend the Judgment was denied on July 18, 2008, contrary to Cronin's claim that it was "allowed in part".

Cronin did not amend the judgment, he simply amended his findings to add in the fact that I had expressed a desire to resolve the matter with a ruling of 50/50 joint legal and physical custody as an acceptable compromise to sole custody to me.

In a nutshell, Cronin attempted to sabotage my testimony at the March 3-4, 2008 trial to avoid hearing anything that would justify a transfer of custody to me. When this tactic failed, he fraudulently implied that my testimony was not credible.

It should be noted that I am as fit and devoted a father as any parent on this planet and despite the FACT that no one has ever proven otherwise, I still do not have joint legal custody or overnight "visitations" with my 7 year-old son.

U.S. District Court Judge Douglas P. Woodlock

On October 4, 2006, I filed a Title 42 U.S. Code Section 1983 lawsuit against five judges involved in my lower court cases. The judges were sued for fraud, collusion, cover-up, extortion, and violations under color of law of federally-protected constitutional rights (USDC Case No. 06-11805-DPW).

I filed this case in U.S. District Court only after exhausting all of my options within the state of Massachusetts, taking my case all the way to the state's Supreme Judicial Court, where my application for Further Appellate Review was denied.

On November 27, 2007, I filed a second Title 42 U.S. Code Section 1983 lawsuit in federal court against the City of Methuen and the Massachusetts Teachers Association for deprivation of rights under color of law (USDC Case No. 07-12196-DPW).

To be more specific, Methuen's school superintendent, Phil Littlefield, put a "prior restraint" on my speech for self-serving reasons and then repeatedly alleged that his "prior restraint" had been violated to generate a paper trail of baseless warnings, reprimands, and suspensions against me. Ultimately, it was Littlefield's replacement, Jeanne C. Whitten, who wrongfully dismissed me from my tenured teaching position in Methuen.

Other claims contained in this lawsuit include provable claims of employer retaliation, defamation of character, concealment of material facts, intentional infliction of emotional distress, and negligence (as it pertains to the employer's failure to respond to reported complaints of workplace harassment).

A supplemental claim was brought against the Massachusetts Teachers' Association and its local affiliate, the Methuen Education Association, pursuant to 28 U.S.C. § 1367, for aiding and abetting the employers' efforts to wrongfully terminate me and for negligently and maliciously failing to provide me with legal services and costs, to which I was entitled as a paying union member.

The breach of my union's duty of fair representation was motivated solely by retaliation. My union chose to not represent me because of my whistleblower efforts against my local union president, whose loyal

following was on the executive board that three times in three years voted to deny my requests for legal assistance and arbitration costs.

Both of these cases were assigned to Woodlock.

Shortly after I reported Woodlock to the chief judge of the First Circuit for sitting on my case against the judges for two years and for ruling on a motion that he did not read, Woodlock creatively interpreted the law to dismiss both of these lawsuits on the very same day.

Woodlock dismissed my case against the judges with the argument that the Eleventh Amendment gives judges immunity to defy the laws of the land that they have sworn to uphold and the absolute power to commit whatever crimes they want against litigants who come before them.

Woodlock also fraudulently alleged that I was seeking a modification of my child custody orders so that he could cite case law that did not apply to this case and ignore U.S. Supreme Court case law that did apply to this case.

The fact is that Woodlock dismissed this case:

- (1) To prevent a jury from finding Judge Peter C. Digangi guilty of violating my constitutional rights to due process and equal protection under the law.
- (2) To prevent a jury from finding Judge Mary McCauley Manzi guilty of defying the First Amendment, obstructing justice, and attempting to extort from me the fees incurred by a court-appointed GAL.
- (3) And to prevent a jury from finding a three-judge panel of the Massachusetts Appeals Court guilty of fraud and extortion under color of law.

Woodlock dismissed my lawsuit against the City of Methuen and the MTA with the law-defying claim that the First Amendment ONLY applies to speech that *is* on matters of public concern; the law-defying claim that a public school employer has the power to restrain speech on whatever topics it so chooses; and the fact-defying claim that the reporting of workplace harassment in a public school setting AND corruption in a labor union's election process are not matters of public concern.

Woodlock's dismissal of this case also defied the very case law that he ordered both parties to review (ie. Davignon v. Hodgson) and his own case law as it pertained to employment law (see Kimberly Stoye v. Town of Mansfield, which I used as a template in writing my complaint).

Woodlock's memorandum and order focused exclusively on his creative interpretation of the First Amendment so that he could ignore all the *other* crimes committed against me by the City of Methuen and the MTA (i.e. employer retaliation, concealment of material facts, slander, breach of contract, negligence, and workplace harassment).

It should be noted that the law prohibits a judge from granting a motion to dismiss a *pro se* litigant's case unless the complaint cannot succeed on any of its claims for relief. All well-pleaded allegations of a claim are to be taken as true when ruling on a motion to dismiss a complaint under Fed Civil Procedure Rule 12(b)(6).

Woodlock's Memorandum and Order reveals that he blindly accepted the defendants' arguments, which are unsupported by the facts and applicable law, and completely disregarded every rebuttal argument expressed in my documents.

With regard to factual matters, Woodlock spun the facts in his Memorandum and Order to support his agenda. For example, I am misquoted on page 7 of the Memorandum and Order so that Woodlock could falsely imply that my word is not credible.

To be more specific, Woodlock took my assertion that I "had not been discussing [my] custody case in school", which was 100% accurate as it pertained to the time period surrounding a baseless directive that I had received, and took these words out of context to mean that I alleged that I "had not, in fact, ever discussed [my] custody case with anyone at the High School".

This misrepresentation of the facts allowed Woodlock to compare this deceptive statement to a second truthful and accurate statement, made by me in a separate document, to falsely allege that my version of what happened was inconsistent.

With regard to "controlling decisions", there is no evidence to suggest that Woodlock reviewed any of the legal arguments contained in my documents since his arguments defy the very law and case law cited in my November 27, 2007-filed Complaint; my January 21, 2008-filed Memorandum in Opposition to the MTA's Motion to Dismiss; my February 10, 2008-filed Memorandum in Opposition to the City of Methuen's Motion to Dismiss; my April 21, 2008-filed Addendum to my Opposition to the Defendants' Motion to Dismiss; and my May 16, 2008-filed Brief Requested by Woodlock, himself, to incorporate the case of *Davignon v. Hodgson*.

The fact is that I had a right to a jury trial as it pertained to my wrongful dismissal on the grounds that it was obtained through fraud and the pretext claim that my email, which reported an act of workplace harassment, violated a First Amendment-defying "prior restraint" on my speech.

I had a right to a jury trial as it pertained to my wrongful dismissal on the grounds that it was affirmed in defiance of the FACT that the Employer, with the burden of proof to overcome, did not prove a thing relevant to the arbitrator's law-defying decision and showed up to three separate evidentiary hearings on the matter without any admissible evidence or a single first-hand witness who I could confront under oath as a witness against me.

I had a right to a jury trial as it pertained to my wrongful dismissal on the grounds that the specific reason cited by the school to fire me was judged by three separate administrative agencies, including the arbitrator himself, to be baseless as a reason to fire me.

I had a right to a jury trial as it pertained to my union, which negligently failed to provide me with legal services and arbitration costs, to which I was entitled as a paying union member, and which conspired with my employer to run me out of the school system with slander.

The fact that I responded to both of these dismissals with motions for reconsideration, which detailed the reasons why Woodlock could NOT dismiss these cases, confirms that Woodlock KNOWINGLY defied the law to obstruct justice and retaliate against me.

Moreover, if Woodlock were an honorable judge, he would have recused himself from the case after learning of my misconduct complaint against him.

Incredibly, it was Woodlock, who stated publicly:

The courts are open and accessible to everyone and engaged, on a day-to-day basis, in attempting to craft judgments that reflect the highest aspirations of the profession... The soul of the American judicial system is the direct and constitutionally prescribed involvement of lay citizens as jurors in the determination of the facts underlying legal controversies... This courthouse is a place designed to do equal right to the poor and to the rich... with no other goal than to give each litigant a fair hearing.

I have learned that these are the words of a hypocrite.

If my civil rights were violated, and for purposes of ruling on a motion to dismiss the Court is to assume that they were, then I had a right to a jury trial.

There is not a jury on this planet that would have ruled against me with the evidence and testimony that I was prepared to present in BOTH cases, which is the reason why Woodlock obstructed justice to prevent a jury outcome that he did not want to see happen.

Woodlock never had any intentions of allowing me my constitutionally-prescribed right to a jury trial as it pertained to my case against the judges and vindictively dismissed my case against the City of Methuen and the MTA for reporting his crimes against me in a judicial complaint - a retaliation that I predicted in that very complaint.

**U.S. Court of Appeals Judges Sandra L. Lynch, Michael Boudin, and
Norman H. Stahl**

This three-judge panel's May 11, 2009 affirmation of Woodlock's law-defying dismissal of my lawsuit against several state court judges confirms that Chief Judge Lynch and Circuit Judges Boudin and Stahl are as corrupt as the judges already listed as defendants in that lawsuit.

Pursuant to Federal Rule of Appellate Procedure 34(a)(2), "oral argument must be allowed in every case unless a panel of three judges who have examined the briefs and record unanimously agree that oral argument is unnecessary."

Judges Lynch, Boudin, and Stahl denied to me my right to oral argument, without "notice" to me prior to issuing its Judgment, and negligently failed to provide me with a "memorandum" or an "opinion" for affirming the district court's law-defying ruling, to conceal from the public the FACT that these three judges did not have a rebuttal to the legal arguments contained in my 55-page brief.

It should also be noted that this case was supposed to be reviewed *de novo*, which means without deference to the district court's reasoning. For these three judges to affirm the dismissal of my lawsuit with the line, "essentially for reasons given by the district court in its memorandum and order," is an outrage.

If, as alleged, the Court "reviewed the record in the case, including the briefs of the parties", to affirm the dismissal of ALL of my claims, then these three judges are also guilty of condoning fraud and extortion under "color of law".

It can hardly be disputed, **except among judges intent on concealing the crimes committed by other judges**, that a three-judge panel of the Massachusetts Appeals Court did in fact commit fraud when it called my appeal of my child custody orders "egregiously frivolous with no basis in law or fact" to extort thousands of dollars from me.

The fact is that Chief Judge Lynch was legally obligated to recuse herself from this case, and all other cases involving me, *sua sponte* at the moment in time when she received notice that I had reported her negligent failure to hold one of her judges accountable in a Petition for Review to the Judicial Council.

An honorable judge would have recused herself immediately. The fact that she assigned herself to both of my cases and has already defied the law in one of those cases to rule against me has me convinced that she did this to retaliate against me for criticizing her.

It was Lynch who dismissed my misconduct complaint against Woodlock.

In her November 10 2008-issued "Order", Lynch creatively "spun" the facts of my complaint to protect one of *her* "Moakley Courthouse colleagues", proving that she is as guilty as Woodlock of defying Canon 1 of the Code of Conduct for United States Judges, specifically her duty to establish, maintain, and enforce high standards of conduct.

Lynch's claim that "the reviewed record -- consisting of the misconduct complaint, the dockets of the cases at issue, and the relevant pleadings and court orders -- does not support the complainant's charges" is fraud and, consequently, a betrayal of public trust.

Lynch wrote in a page 4 footnote of her Order, "During the two-year pendency of the first case, the court held multiple hearings and issued numerous rulings before issuing a thorough memorandum and order of dismissal... The court's management of these proceedings was neither out of the ordinary nor remotely indicative of wrongdoing."

This misrepresentation of the facts is the reason why judges cannot be entrusted with the responsibility of holding other judges accountable.

Contrary to Lynch's summary of what occurred to exaggerate Woodlock's work on this case and downplay his negligence and obstruction of justice, there was a single hearing on this case in two years.

The only other "activity" on this case was the submission of some state court documents and the filing of a status report, which were ordered more than a

year apart to keep the parties busy while Woodlock did nothing himself to move the case along.

Lynch may have been deceived by the fact that two other hearings are listed in the docket record. What can be confirmed with the court transcripts is that these hearings were purely for show.

Woodlock prevented all discussion on the case against his "colleagues" by limiting his questions to my employment-related case, which he scheduled concurrently with my case against the judges.

Since the judge's legal counsel, Assistant Attorney General Lisa Fauth, was at these "sham" hearings for no other reason but to state her name, even she complained to me on both of these days about the court's requirement that she attend these hearings.

Lynch's claim that Woodlock "issued numerous rulings" also contradicts the facts of this case. The one and only "ruling" issued prior to Woodlock's dismissal of this case was his allowance of my motion for a ten-day extension of time to get in a memorandum - a ruling, which was particularly relevant to my judicial misconduct complaint.

I filed a motion for a ten-day extension of time on January 13, 2007 so that I would have until January 23, 2007 to get in a memorandum of law to respond to the comments expressed at the only true hearing held on this case (the January 4, 2007 scheduling conference). That memorandum of law was filed on January 16, 2007.

Woodlock did not respond to this motion until September 27, 2007, nine months after a ruling on this motion became moot, **PROVING that Woodlock did not even read what he was allowing!**

The docket record also confirms that motions for an expedited trial were filed on November 25, 2007 and June 25, 2008 without a response to these motions until Woodlock dismissed the case.

Lynch excused *this* negligence by stating that they were terminated in conjunction with the dismissal.

Woodlock dismissed the case on September 26, 2008, ten months after the first and three months after the second of these motions for an expedited trial were filed.

More importantly, the case was dismissed, along with my *other* case, seven weeks AFTER I filed my judicial misconduct complaint against Woodlock.

If there was any truth to Lynch's "rationalization" of Woodlock's misconduct, judges could ignore everything filed by litigants over the course of a case and defy their duty to dispense promptly the business of the court so long as they dismiss the case when they become aware of complaints that are lodged against them.

Lynch wrote, "After an extensive analysis of the guiding legal principles, the judge determined that the Rooker-Feldman doctrine limited the court's jurisdiction to review the complainant's challenges, that the claims for monetary damages were barred by judicial immunity, and that the abstention doctrine prevented the court from awarding equitable relief."

If Woodlock had done an "extensive analysis", then he would have reviewed *my* rebuttal documents [particularly the cited cases of *Catz v Chalker*, 142 F.3d 279 (1998) and *Marshall v. Marshall*, 126 S. Ct. 1735, 164 L. Ed. 2d 480 (2006)], as part of that "extensive analysis", to KNOW that *Rooker-Feldman*, judicial immunity, and the abstention doctrine did NOT apply to this case.

To excuse Woodlock's failure to dispense promptly the business of the court, Lynch equated the twenty-two months that Woodlock sat on this case to a five-month delay in an unrelated case.

Lynch argued that since a five-month delay in deciding a temporary restraining order did not alone demonstrate misconduct in an unrelated judicial complaint, Woodlock's twenty-two month delay in ruling on the defendant's motion to dismiss should also be excused as acceptable.

Such an absurd argument is proof that this particular judge is either wildly incompetent or willing to write almost anything to excuse the misconduct of judges, who happen to work in her courthouse.

To justify Woodlock's decision to retaliate against me in two separate cases rather than recuse himself, Lynch claimed that neither the judicial misconduct statute nor the governing rules require the recusal of a presiding judge upon the filing of a misconduct complaint against the judge.

The "rules" most certainly do require the recusal of a presiding judge any time a judge's ability to be impartial is reasonably questioned. See 28 U.S.C. § 455(a).

In 1994, the U.S. Supreme Court held that "disqualification is required if an objective observer would entertain reasonable questions about the judge's impartiality. If a judge's attitude or state of mind leads a detached observer to conclude that a fair and impartial hearing is unlikely, the judge must be disqualified." [Emphasis added]. Liteky v. U.S., 114 S.Ct. 1147, 1162 (1994).

CONCLUSION

The only feelings that I have for this court system are those of disgust. The fix is clearly in. If a litigant waits to file a judicial complaint until after the ruling on the case, the complaint is thrown out as a case of a disgruntled litigant who was not happy with the decision. If a litigant files a complaint prior to a ruling, the subject judge abuses his power to retaliate against the litigant who reported him.

The bottom line is that judicial complaints are not filed unless the complaint is legitimate. The fact that 99.88% of 7,462 complaints were found to be without merit to dismiss them, according to the judge's official statistics for 1997-2006, is a testament itself to how truly corrupt this system has become.

In those 10 years, the judges appointed only 7 special investigative committees and disciplined only 9 of their peers. They self-exonerated for doing what is forbidden and disregarding what is commanded.

Thus, in the 219 years since the creation of the Federal Judiciary in 1789, of all the thousands of federal judges only 7 have been impeached and removed from the bench. On average that is 1 every 31 years, a period much longer than the average years of service of judges. This has fostered the mentality among them that they can do and not do anything because they do not have to fear any adverse consequences from either abusing their judicial power, having a disability, or engaging in illegal activity.

Since they will cover for each other, they have assured themselves of impunity for their conduct. This explains why federal judges have felt free to institutionalize coordinated wrongdoing, for they have as a matter of fact placed themselves where no individual or class of people is entitled to be in our democratic society: Above the law.