

No. _____

In the Supreme Court of the United States

Mostafa Masomi

Petitioner

V.

Mehrandokht Madadi

Respondents

**ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT**

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

The Fifth Amendment procedural due process requires government officials to follow fair procedures before depriving a person of life, liberty, or property. Also civil procedural due process provides, "Where an individual is facing a deprivation of life, liberty, or property, procedural due process mandates that he or she is entitled to adequate notice, a hearing, and a neutral judge." The questions presented are:

(1) Whether the Fifth Amendment is violated when a judge denies a hearing or a trial in a civil (divorce) case, and as a result the petitioner was forced to surrender to the court's demand in absence of due process law.

(2) Whether divorce judgment based on fraudulent documents and a partial agreement in absence of due process law in a trial court would prevent the petitioner from filing for a dismissal of an alimony (dowry) judgment overseas and applying for a religious divorce in order to regain freedom.

PARTIES TO THE PROCEEDINGS

Petitioner, Mostafa Masomi (Husband/Father)

Respondent, Mehrandokht Madadi (Wife/ Mother),
represented by Attorney Robert J. DiLibero

Attorney Lisa Modecker, counsel representing
Petitioner (Husband/Father) during divorce process
in the trial court Norfolk County, Massachusetts.
No longer representing Husband.

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Mostafa Masomi respectfully petitions for Writ of Certiorari to review the judgment of the United States Court of Appeals for the First Circuit.

OPINIONS AND ORDERS

The opinion of the United States Court of Appeals for the First Circuit, "judgment of the district court is summarily affirmed," No. 18-1280, is not reported, (Pet. App. 1a-2a).

United States District Court of Massachusetts Memorandum and Order, Civil Action No. 18-10058-FDS, "The Court Lacks Subject-Matter Jurisdiction over Plaintiff's Claims." (Pet. App. 3a-6a) reported. Petition for rehearing at United States Court of Appeals was denied (Pet. App. 7a). Massachusetts Appeals Court memorandum and order pursuant to Rule 1:28 (Pet. App. 8a-13a).

JURISDICTION

The judgment of the United States Court of Appeals for the First Circuit entered August 6, 2018 (Pet. App. 1a-2a). Decision of United States District Court, District of Massachusetts entered March 1, 2018 (Pet. App. 3a-6a). A denial for rehearing at United States Court of Appeals entered August 27, 2018 (Pet. App. 7a). This Court has jurisdiction Under 28 U.S.C. § 1254(1).

CONSTITUTIONAL PROVISION INVOLVED

The Fifth Amendment to the United States Constitution (Civil Procedural Due Process) provides: "Where an individual is facing a deprivation of life, liberty, or property, procedural due process mandates that he or she is entitled to adequate notice, a hearing, and a neutral judge."

INTRODUCTION

This case presents a question under the Fifth Amendment (Due Process Law), whether the trial court of Massachusetts denied equal protection of the law. The United State Court of Appeals for the First Circuit summarily affirmed the decision of United States District Court of Massachusetts in which the District Court dismissed the action for lack of subject-matter jurisdiction.

STATEMENT

Background

Husband and Wife got married in Iran under Islamic Law on July 23, 1987. The only marriage certificate available is the Islamic Marriage Certificate. On August 2013 Petitioner's (Husband) attorney filed the divorce complaint in the Massachusetts trial court, Norfolk County. Respondent (Wife) filed an answer through her attorney on September 28, 2013. The case was assigned to Judge Casey originally but was later changed. The first hearing was scheduled for July 24, 2014, with Judge Menno, and the event was

held on schedule.

First Trial Court Hearing

On July 24, 2014, Husband and Wife submitted their financial statement to the court. Twice before, on December 17, 2013, and March 10, 2014, Husband and Wife exchanged financial statements, but Wife's financial statements had questionable expenses. At the first four-way meeting Wife's attorney promised a footnote regarding those questionable expenses, but he never delivered. Considering the fact that an Islamic divorce court in Iran would use these financial statements for deciding past, present, and future alimony, and these are the only financial records for the entire marriage, Husband was very sensitive to the authenticity of the financial statements.

On the July 24, 2014 court hearing, Wife's questionable financial statements were the main issue in the hearing. The judge in the Massachusetts trial court erred by not asking Wife's attorney to address Husband attorney's consistent demand for clarification of questionable weekly expenses. The judge took it upon himself by going back and forth with Husband's attorney rather than putting Wife and her attorney on the spot to compel them to come forth with documents, the promised footnote, or explanations supporting the questionable expenses stated on the financial statements. Also the judge did not ask Wife's attorney why Wife is seeking alimony if she has an

income of her own in a separate bank account and she is not contributing to any household expenses.

Pretrial Court Hearing - October 22, 2014

On October 22, 2014, at the pretrial hearing, Husband's attorney informed the judge about a judgment obtained by Wife against Husband for dowry (alimony) in Iran without anyone's knowledge for about \$51,000. Husband's attorney, Ms. Modecker informs the court as such: "No matter what happens here in the United States, they're still going to be married in Iran until that \$51,000 is paid. My client will lose his passport. He cannot go back to the country until this \$51,000 is paid. Furthermore, Your Honor, they will not be divorced. They will have to go back to Iran to get this divorce settled there. So because of religious beliefs and because of, I believe, Wife's contract, she went ahead and processed this during this phase, Your Honor. She didn't I didn't have any notice of this. I even -- we found out about it after the fact. It was done September 21st. My client brought it to me. I disregard it because I didn't think it had anything to do with this, Your Honor. Now a \$51,000 judgment is against my client, and I don't know what to do."

Court asked Wife's attorney: "Attorney DiLibero, do you know anything about that?" "Mr. DiLibero: I just heard about it from my sister's lips, Judge. I'm not challenging what she's saying as the transaction taking place, but I have no knowledge

of it. I will certainly speak to my client about it."

Also at the October 22, 2014 pretrial hearing, Wife's attorney submits another false financial statement to the court and Husband (Trial Court Docket #26), not considering the facts that these fraudulent documents would have far more consequential outcomes for Husband in Iranian divorce court. They are the only financial record in the entire marriage. On the Pretrial Memorandum, Wife's attorney seeks alimony for his client and refers to the fraudulent document he prepared, or supervised the preparation of, and submitted to the court for the second time. Attorney DiLibero states: "The wife seeks general term alimony. See financial statement field here within." The trial court memorandum is signed by Attorney DiLibero. (Trial Court No. No13D1227DR Docket # 25).

American Bar Association Model Rules of Professional Conduct state: "Lawyers are officers of the court; they are ethically prohibited from engaging in deliberate deception. Fraud on the court occurs when officer of the court intentionally deceives the court by filing a fraudulent document in a court case." American Bar association Rules of Professional Conduct Rule 3.3 Candor Toward Tribunal, "(a) a lawyer shall not knowingly: (1) makes a false statement of material fact or law to a tribunal . . . ; (4) offer evidence that the lawyer knows to be false . . . material evidences and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measure. Rule 3.3(a) is intended to guide the conduct of the lawyer as an

officer of the court as a prophylactic measure to protect against the communication of the judicial process."

Wife's attorney prepared or supervised the preparation of the financial statements and submits them to Husband with a promise of a footnote, by promising the footnote, Attorney DiLibero involves himself to the contents of the documents submitted, therefore he is equally, if not fully responsible for the documents submitted. Further, the questionable financial statements were brought to the attention of the court at the previous court hearing in the presence of Wife's attorney on July 24, 2014. Why does Attorney DiLibero intentionally submit another fraudulent document to the court and Husband on October 22, 2014, and refers to it for alimony? These false financial statements are used to decide past, present, and future alimony. As the court has docketed these fraudulent documents, having a docket number, the seal and stamps of the trial court of the United States of America, they are as official as any document could be nationally and internationally.

No matter how the political situation between countries might be, fortunately there is a lot of respect for the justice system in the United States and in the documents which get released by the courts here. It would be impossible for Petitioner (husband) to convince the religious divorce court in Iran that these documents are false, especially when a judgment is issued in United States based

on these documents.

The dowry judgment in Iran, fraudulent financial statement, division of properties and marital debts were the issues that were not getting resolved between the parties. On October 22, 2014, with the court's suggestion, parties agreed to conciliation, and a court order for conciliation was issued the same day. The conciliation was held on January 8, 2015, and the outcome was a handwritten draft with marital debts, Iranian dowry judgment against Husband remained unresolved, and the parties were called to the court for showing their progress to date on February 27, 2015.

Trial Court Hearing - February 27, 2015

On January 14, 2015, Petitioner discovered that Wife managed to obtain a final judgment against Husband in Iran to collect her dowry (future alimony) in the United States as well as in Iran. If we go back to the October 22, 2014 hearing and to Wife's attorney's response to the judge's question regarding the judgment against Husband, the Court asked: "Attorney DiLibero, do you know anything about this?" "Attorney DiLibero: I just heard it . . . I'll certainly speak to my client about it." There is no evidence to show what kind of communication or action was taken by Attorney DiLibero and his client (the wife).

What is clear and documented is the fact that between the October 22, 2014 court hearing and

January 14, 2015, Wife managed to obtain a final judgment against Husband in Iran. Wife's attorney clearly attests to that on a court document: "Wife has obtained judgment against Husband in Iranian court for payment of marriage gift. Judgment is not enforceable outside of Iran." (Trial court Docket No. NO13D1227DR # 32). Attorney DiLibero's only defense is "Judgment is not enforceable outside Iran," not considering the fact that Husband is a fugitive now.

On February 27, 2015, Husband's attorney, Ms. Modecker, informs the court in detail during the hearing: "My client has since he received this notice on January 14th, he has tried to secure counsel in Iran; it's going to cost him thousands of dollars, Your Honor, to settle this matter. He is not even able to travel there right now because he is basically found as a fugitive. So there's a lot going on -- and in terms of the notice, Wife published this notice in an Iranian paper even though he was still -- Husband was living in the marital home."

On the last court hearing on October 22, 2014, the judge erred by not telling Wife and her attorney not to pursue her dowry (future alimony) judgment in Iran while alimony is under consideration here, and as a result of the court's inattention, Wife obtained a final judgment.

At the February 27, 2015 hearing the parties were asked by the court to show the court their current progress. Husband's attorney insisted that the progress report in hand is only a handwritten

draft, and important parts, like the judgment in Iran and marital debts, are missing. But the court was considering the handwritten draft as a full and final agreement. Judge Menno consistently fended off all attempts by Husband's attorney to bring up the judgment in Iran plus the significant monetary issue (marital debts) during the court hearing.

Upon Husband's attorney's attempts to bring the incompleteness of the draft and the liberty of her client, the court surprisingly interrupts the attorney and suppressed her efforts to defend Husband. "Ms. Modecker: Your Honor this was a draft. There was definitely some very important parts of this missing. There's no mention of the marital debts. There's absolutely no specifics regarding the -- "

"The Court: Each party would be responsible for his or her own debt."

"Ms. Modecker: But there's marital debt as well, Your Honor, and there's no mention so it's very vague on its face."

With the disappointment and stresses Husband was sustaining throughout the hearing so far, Husband's hope was that a trial will result in exposing the misdeed Wife and her attorney were engaged in in the United States as well as in Iran. Also right after January 14, 2015, there were serious talks about Wife's unfaithfulness in obtaining a judgment overseas. And Husband's attorney via email called the stipulation (the handwritten draft)

null and void.

During the court hearing on February 27, 2015, the judge states, "I don't see what a trial is going to do for you." And when Husband's attorney asked to be heard on such important issues, the judge denies the request. "Ms. Modecker: Your Honor, may I be heard on that?" "The Court: You can be heard on it, but the only thing you can be heard on is when we're going to have the motion to enforce the agreement. You already told me, you're saying, oh, now we, you know, we had this other thing. I'll be honest with you; I can't worry about Iranian law. It's the least of my concern. I don't worry about it. Whether someone had an Indian divorce or an Iranian divorce, I don't care. All I care about is the United States of America divorce in Massachusetts. That's what I've got to worry about." (Trial court Trans. VI, Feb. 27, 2015).

This action of the judge deprived Husband of the basic constitutional rights, Fifth Amendment (civil procedural due process) which provides "where an individual is facing a deprivation of life, liberty, or property, procedural due process mandates that he or she is entitled to adequate notice, a hearing, and a neutral judge."

Further, the court did not take into consideration the fact that fraudulent documents submitted by the Wife and her attorney will be used in Iranian divorce court as evidence against Husband for deciding past, present, and future alimony.

After the judge denied a hearing or a trial he added, "So why don't you go out and talk, that's what you need to do." Outside the courtroom with a lot of disappointment and stress Husband asked his attorney, "What we should do now?" Ms. Modecker said: "YOU CANNOT DO ANYTHING. YOU HEARD THE JUDGE." The mental pressure experienced by Husband as result of the judge's inattention throughout the hearings and Husband's attorney's advice that nothing can be done were primary factors in submission to the judge's order. In absence of due process law, the order was "the only thing you can be heard on is when we're going to have the motion to enforce the agreement" (the handwritten draft).

During the brief colloquy the judge said, "I'm approving the document. I am going to make a finding under all circumstances it's fair and reasonable," without asking the parties the questions such as: IS THIS AGREEMENT FAIR AND RESONABLE? DID YOU READ THIS DOCUMENT? DO YOU ACCEPT IT? DO YOU UNDRE STAND IT? The handwritten draft became a final divorce agreement and a judgment.

It is worth mentioning the handwritten draft was the outcome of the conciliation meeting in which one of the conciliation program condition was: "Each party agrees to promptly provide requested documents and information, and to attend and participate in good faith in the conciliation process." Against Husband's will and conciliation

program condition "participation", Husband was secluded in a separate room while the attorneys and the conciliator prepared the handwritten draft. Later on the husband found out the wife's attorney wrote the draft someone who struggled from the very beginning not to consider the marital debts as part of the deal (agreement). Husband had no involvement in the decision-making process regarding the handwritten draft which ultimately became the final divorce judgment. Husband became a victim in this proceeding.

STATEMENT OF FACTS

On July 24, 2014 the court erred by overlooking the fraudulent financial statement despite constant pleading by Husband's attorney.

Wife and her attorney, Mr. DiLibero, submitted fraudulent financial statements knowingly and repeatedly. These documents are the only financial record in the entire marriage. Petitioner cannot file for a religious divorce in an Iranian divorce court using these financial records. Wife's attorney promised a footnote regarding the fraudulent documents and he never delivered. The promise of the footnote links the attorney directly to the contents of the fraudulent documents. Fraud was brought upon the court during the divorce process.

Even though on July 24, 2014 the fraudulent documents were the main subject in the court hearing, yet again Wife and her attorney

knowingly and deliberately submitted another fraudulent financial statement to Husband and the court on October 22, 2014, at the court hearing. With no regard to Rule 3.3 (Candor toward Tribunal), not only did Attorney DiLibero submit fraudulent financial statements to the court, he also had the audacity to refer to them seeking alimony for his client.

I believe this action is intrinsic fraud as well as extrinsic fraud. With present fraudulent financial statements and a divorce judgment issued in a Massachusetts trial court based on those documents, Husband cannot file in an Iranian court to dismiss the Iranian alimony (dowry) judgment against him and apply for an Islamic religious divorce and regain his freedom.

Appeals Court of Massachusetts (December 22, 2016/ Pet. App. D)

Main issues on the appeals were (1) whether Massachusetts trial court overlooked the fraudulent financial statement submitted by the Wife's attorney knowingly and repeatedly with a promise of a footnote. (2) The draft which was not a full final agreement and marital debts and the Iranian divorce court judgment against the father were left out. (3) The trial court order in absence of the Fifth Amendment "Due Process Law" which forced the Husband to surrender to the trial court's demand on February 27, 2015 the Judgment day.

In the Massachusetts Appeals Court's brief the Husband goes through a great details with

all supporting documents (145 pages in record appendix) including all fraudulent financial statements and court transcripts to prove the misdeed of the Wife and her attorney during the divorce process in here as well as in Iran. There is no finding from the Massachusetts Appeals Court regarding the fraudulent financial statements. The Memorandum and Order states: "On February 27, 2015, the parties and their counsel appeared for a hearing before a judge of the probate and Family court, at which time the agreement was submitted to the judge for review. Despite the plain language of the agreement, father's counsel asserted that the agreement was simply a draft." Father's counsel was in the conciliation meeting where they wrote the draft father was not allowed against his will and the rules and regulations of the conciliation program. Father was told by his counsel that we have a draft and more work needs to be done. The parties were called by the court for a hearing on February 27, 2015 to show their progress up to date to the judge and resolve the remaining parts. For clarification, father signed the draft for what was written on the draft, the marital debts were not on the draft absolutely there is no mention of it. Father signed a draft with the understanding more needed to be done based on the advice from his counsel. In another part the Memorandum and Order states: "Ultimately, the father testified that he had signed the agreement with the advice of counsel and understood that it would be incorporated into the judgment." The word "incorporated" according to Google Dictionary means "Take in as part of

whole; include." "To add or include something as part of something else." The draft supposes to be incorporated to the unresolved parts which the parties were called for on February 27, 2015 to have a hearing on and resolve the remaining parts. And then the draft will become the full and final agreement. The words full and final agreement was never mentioned on the hand written draft because there were unfinished parts. The absence of the Fifth Amendment (Due Process Law) in the trial court was brought up to the attention of the Massachusetts appeals court in details specially where father's counsel request a hearing as such: "MS. MODECKER: Your Honor, may I be heard on that? THE COURT: You can be heard on it, but the only thing you can be heard on is when we're going to have the motion to enforce the agreement." The appeals court has no opinion on such an important part of the Fifth Amendment, fairness of due process law. Also the Memorandum and Order states: "the judge then found the agreement to be fair and reasonable and approved it." The draft was fair and reasonable to the judge only; the judge's order was in absence of fairness of Due Process Law because the request of the father's counsel for a hearing was denied. The judge did not ask the parties the common questions in divorce process, such as: Is the agreement fair and reasonable to you? Do you understand it? Do you accept it? And so on. Further on the Discussion part of the Memorandum and Order it is mentioned "There is no indication in the record that the parties had any jointly held debt at the time of the divorce proceedings."

Correct, there was no jointly held debt and no jointly assets; all were father's investment and debts under father's name. All were his responsibility to maintain and pay the related bills plus the household expenses. The wife walks away with the assets and the husband remains with the debts; thanks to the fraudulent documents prepared under supervision of the Wife's attorney under oath. The footnote 2 of the Memorandum and Order says: "The wife did not report any liabilities on her financial statements filed during the divorce proceedings." Correct again, the wife had no liabilities she had an income with a separate bank account and the luxury of spending her income the way she wanted to, only the husband's bank account and income was used for paying bills. That is the main reason the fraudulent financial statements were created by the wife and her attorney and a promise of a footnote from the attorney in order to be able to proceed with the requirements of the divorce court. Also wife's attorney used the fraudulent documents and asked for alimony. Bottom line is fraud was brought upon the court. The husband was stripped financially no resources to get legal help. As a poor father was going from court to court getting advice seeking justice, sleepless nights, medical issues (surgery), mental pressure a constant financial struggle to survive while have a full time job too. Father had some misunderstanding of the procedural rules but he never broke the law. Law is not father's field of practice he is very illiterate when it comes to laws and regulations in court process. Because of financial difficulties

father was forced to learn whatever he could and fight for his rights and children's rights in a justice system of a lawful country. The Massachusetts appeals court completely ignored the fact that fraud was brought upon the court; fraudulent documents were submitted to the court and the father, knowingly and repeatedly by an officer of the court under oath and his client. Also state and federal laws were broken by the wife and her attorney; all supporting documents were submitted to the appeals court. The appeals court of Massachusetts did not consider what the husband went through as a result of the misdeed of the Wife and her attorney in here as well as in Iran were "circumstances that were unique and extraordinary." The father has no liberty because of Iranian judgment obtained by the wife. Father has no resources to pay the marital debts in order to survive. Therefore the husband is under constant mental pressure and financially paralyzed. The father was a victim in this divorce process.

REASONS FOR GRANTING THE PETITION

This case required a quick attention for public. Petitioner was denied the equal protection of the laws. Equal protection comes in play where the Fifth Amendment states that "NO PERSON CAN BE DEPRIVED OF LIFE, LIBERTY, OR PROPERTY WITHOUT DUE PROCESS. DUE PROCESS IS AN ASSURANCE THAT ALL LEGAL PROCEEDINGS WILL BE FAIR AND REASONABLE." This case presents a significant question of constitutional law on which there is absence of due process law. The court should

grant this petition for a writ of certiorari.

At the February 27, 2015 court hearing, Husband's attorney, Ms. Modecker, informed the court in detail about the Islamic divorce process and the Iranian judgment against Husband (for alimony). Husband's attorney added, "Husband found as a fugitive in Iran," but the judge stated, "Whether someone had an Indian divorce or an Iranian divorce, I don't care. All I care about is the United States of America divorce in Massachusetts. That's what I care about."

The court ignored the fact that this is only dissolution of marriage here and a fair decision of this court and legitimate documents would be crucial in an Iranian divorce court hearing for dismissing the judgment obtained by Wife, and then Husband could submit a religious divorce application.

The lower court denied a hearing or a trial on February 27, 2015. The absence of due process law not only affects Petitioner here, it also has far more consequential effects in an Iranian divorce court because of the fraudulent financial statements. In many ways this is an international case.

The only marriage certificate available is issued by Islamic Republic of Iran in Iran; therefore Husband needs proper documentation (financial record) from the United States that are legitimate and in satisfaction of Islamic laws.

Husband and Wife lived in the United States for almost the entirety of their married life. The only financial record for their entire marriage is what has been submitted to the Massachusetts trial court. Part of the Islamic court divorce process is the calculation of past, present, and future alimony based on the financial contribution of Husband and Wife during their married life. With fraudulent financial statements and a trial court judgment based on those fraudulent documents, it would be almost impossible to get a religious divorce. Wife already obtained a final judgment against Husband in Iran on January 14, 2015. A fair hearing or a trial in the trial court of Massachusetts would have resulted in exposing the misdeeds Wife and her attorney were engaged in.

For clarifying the meaning of the Fifth Amendment, Due Process Law, due process provides, "The Supreme Court of the United States interprets the clauses more broadly, concluding that these clauses provide four protections: procedural due process (in civil and criminal proceedings), substantive due process, a protection against vague laws, and as the vehicle for the incorporation of the Bill of Rights."

This case is also a vehicle for clarifying the substantive due process "Bill of Rights." When there is a court case there are also elements surrounding the case which could affect the case directly or indirectly. In this divorce case there has been another front of psychological

fighting for Husband outside the court due to the illegal actions of Wife's attorney and inaction of Husband's attorney. The illegal actions are directly related to the divorce case in court and falls into the Bill of Rights and in many ways Human Rights. It cannot and should not be ignored by anyone, anywhere, at any time. These are Human Rights issues (Public Issues) in a lawful country. Not only Wife's attorney did disregard the rules and regulations applying to the court's requirements for financial statements which were signed under penalties and perjury, the attorney also put himself above the law, nationally and internationally.

PUBLIC

Violation of Bill of Rights and Human Rights

On or around the third week of May 2014, Wife's attorney made a decision to put himself above the law by taking action on selling the marital home with no agreement or court order.

By then Attorney DiLibero knew every detail about the couple's life. He knew the house is under Husband's name, and every member of the family is living there, but he decided to sell the marital home without any court order or agreement and took action on it. The result of his illegal and inhumane action is sent to Husband's attorney via an email, as such:

"Gmail Masomi V. Madadi 2 messages
Robert J. DiLibero <rodil@domrel.com> To: Lisa

Modecker <attymodecker@gmail> Cc: Robert DiLibero <rodil@domrel.com>

Lisa:

Mary met with the real estate broker, and advised me that: 'Anne said that we need to empty the first floor shower and clean the basement which is full of construction tools & items (she needs to take people in the basement as well as other part of the house and is not easy to walk through it). Ms. Fahy is going to make a brochure but she first needs to take pictures of the house (inside & outside). I am asking Mr. Masomi to cooperate with me at this matter and start cleaning his items in his room and the basement including the yard that is a mess.'

I ask for your client's cooperation in this matter.

Kindly advise me of the status of the condo.
Bob

Law Offices Of Robert J. DiLibero 500 Commercial Street Boston, MA 02109 Tel: (617) 723-8010 Fax (617) 723-4990 www.domrel.com
rodil@domrel.com"

Clearly there is no respect for laws of the land. This action is violation of human rights. As a pro se petitioner who has been struggling financially as a result of this divorce, father could not afford a lawyer to defend him. After the divorce judgment, I started realizing what happened to me mentally,

physically, and financially. I had to educate myself about the laws of the land in order to be able to fight for my rights and my children's rights. By taking action on putting the marital home on the market, Attorney DiLibero pulled the children into the equation. It has been the most difficult task of my life to deal with these illegal and inhumane actions, especially from an officer of the Court. I came a long way to this point of the justice system, and as I said it all along, my faith in the justice system and the help and understanding of every staff member in all clerks' offices in all the courts gave me hope. Their kindness, respect, and understanding were unbelievable and comforting considering my stressful life. They felt my pain and they guided me. I am very proud of them and thank them. With my limited knowledge regarding laws of the land I could say this: This Honorable Court (this government) has a duty to protect not only me and my children, but every single citizen of this society by taking action in every way possible, by not allowing anyone else to suffer from these kinds of illegal and inhumane actions. This has been mind torturing for me. Taking action for selling the house by Attorney DiLibero with no agreement or court order was an absolute violation of the Bill of Rights, especially the Fourth Amendment (the right of people to be secure in their person, house, paper . . .) attorney Dilibero writes : "I am asking Mr. Masomi to cooperate with me at this matter and start cleaning his items in his room . . .". This is also violation of human rights.

After Attorney DiLibero's illegal and inhumane

actions, my children were absolutely disoriented looking for a place to live. I need to ask: Is this the future of this lawful country? Is this acceptable to the justice system? Isn't this attorney an officer of the court and a defender of the justice system under oath? Does Attorney DiLibero's actions have anything to do with my race, or where I come from? I am doing my best to survive and not to allow anyone else to go through what I have been going through. The public deserves better than this; the world deserves better. God knows how many innocent people went through these situations and their voices were not heard or did not reach this point of justice. And investigation would have been helpful not only for the public, but certainly for the Husband.

"A lawyer should use the law's procedure for legitimate purpose and not to harass or intimidate others." Unfortunately, Attorney DiLibero put himself above the law. I paid the heaviest price. His actions almost destroyed me. As citizens of this country we deserve to be protected under the Constitutions, no matter who or what the title could be. When an attorney is given a title such as "officer of the court," and the court being part of the government, the word "court" on the title automatically brings government into the picture, and lawyers become the government agents in the public eyes or at least the petitioner's eyes. In many ways I was not protected. I did hire Ms. Modeker, a Massachusetts licensed attorney, and yet again I had to go through this unimaginably horrible situation.

The American Bar Association, and the Boston Bar Overseers in particular, have owe an explanation. "Lawyers are not immune from suit nor eligible for a qualified immunity defense. Lawyers have a constitutional obligation." The trust of the public needs to be secured, not damaged. The public should not be in harm's way. Husband was victimized. There is much more into this as a public issue. Another incident that was supposed to be reported to Boston Bar Overseers by father's attorney (Ms. Modecker); and she did not report the incident. I had to report it myself on April 10, 2015.

Attorney DiLibero, with 40 years of experience, should have known that we are all living in one of the most civilized countries in the world, the United States of America, under the protection of Constitution (Bill of Rights) and human rights. We are not living in a war zone. Even in war zones human rights rule.

Father was threatened and was mentally under enormous pressure during this divorce process as a result of illegal actions. When the attorney acted on selling the house, my son was absolutely stunned; my daughter even worse. She was disoriented and started giving up her pets and she was in middle of the school year. Father was very scared of what would happen to my daughter's education. Father went through lots of mental torture because of illegal and inhumane actions. In fact, that was Attorney DiLibero's way of

advancing his case. The public needs protection. I shouldn't have a stressful life because of these illegal actions and be under medication.

Violation of International Laws

On March 26, 2015, almost one month after the judgment day, Wife's attorney sends an email to Husband's attorney. This time Mr. DiLibero found himself not only above international laws, but also religious laws too.

"Dear Lisa: Received your mail yesterday and will respond to it soon. Sent from my iPhone"

"On Mar 26, 2015, at 2:34 PM, Lisa Modecker

attymodecker@gmail.com wrote:

Dear Mostafa, I am forwarding this information that I just received from Mr. Delibero. As I advised your associate, I will hold the release in escrow pending Mr. Masomi's participation in an Islamic divorce at the local mosque. Further he needs to pay over rents received by him from date of divorce and transfer all security deposits

Forward message From: Robert DiLibero <rodil@domrel.com> Date: Thu. Mar 26, 2015 at 1:51 pm Subject: RE: Masomi v Madadi To: Attymodecker <attymodecker@gmail.com>"

This email clearly shows that Attorney DiLibero is using (abusing) his power as an officer of the court

to paralyze Husband's life even more and add to Husband's mental pressure. Under what national or international laws attorney DiLibero come to this decision to send such an email? What degree or authority in Islamic laws does he have that allows him to make such a decision? How could a religious divorce take place in the presence of fraudulent financial statements in which Attorney DiLibero had direct involvement? What will happen with the Iranian court judgment against Husband? Under what court order or agreement does Attorney DiLibero make this decision? Ms. Modecker is Husband's representative. Why does she forward the email to her client without responding to the email herself directly? If she doesn't protect me who will?

Often we hear the phrase "divorce is a war." It has been a war for the father and I (the Petitioner) was prisoner of war under constant mental torture from Attorney DiLibero with not enough protection from my attorney to minimize the pain and suffering. Father strongly believes during this divorce process, not only was there absence of Constitutional rights, but human rights too.

CONCLUSION

The Court should grant this petition for a Writ of Certiorari.

Respectfully submitted,

Dated: November 15, 2018

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