

APPENDIX

A1: Massachusetts Supreme Court Judgment



JANICE STEVENSON [Note 1] VS. TND HOMES I LLC.

482 Mass. 1006

April 22, 2019

Records And Briefs:

(1) SJC-12581 01 Appellant Stevenson Brief

SJC-12581

Practice, Civil, Action in nature of certiorari.

The plaintiff, Janice Stevenson, appeals from a judgment of a single justice of this court denying her complaint for relief in the nature of certiorari pursuant to G. L. c. 249, § 4. We affirm.

As best we can discern from the record, which is sparse and unclear, Stevenson was the defendant in a summary process action in the Eastern Division of the Housing Court Department. According to Stevenson, she is a "low income housing tax credit" tenant and, as such, has a right to enforce a "recorded restrictive covenant." She appears to be arguing that the Housing Court does not have jurisdiction to address the enforcement of the alleged covenant and, thus, that any eviction that resulted from a summary process action in that context and in that court is not valid. The single justice denied relief without a hearing.

Certiorari review is designed to "correct errors in proceedings *which are not . . . otherwise reviewable by motion or by appeal*" (emphasis added). G. L. c. 249, § 4. Stevenson has failed to carry her burden to demonstrate that her claims were not otherwise reviewable. She could have sought review of her claims, including her claim that the Housing Court did not have jurisdiction or failed to address the jurisdictional issue, in a direct appeal to the Appeals Court from the Housing Court judgment against her (see Rule 12 of the Uniform Summary Process Rules [2004]) or in an appropriate postjudgment motion in the trial court (see Rule 11[b] of the

Uniform Summary Process Rules [1980]). It was not appropriate to raise those claims in a certiorari action commenced in this court. See *Brown v. Federal Nat'l Mtge. Ass'n*, 481 Mass. 1036, 1037 (2019) (although subject matter jurisdiction claims can be raised at any time,

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this does not mean that such issues "can always be raised in every context and in every forum"); *Picciotto v. Appeals Court* (No. 2), 457 Mass. 1002, 1002, cert. denied, 562 U.S. 1044 (2010) (denying certiorari review where petitioners had other adequate avenue for review).

The single justice did not err or abuse his discretion in denying relief under G. L. c. 249, § 4.

Judgment affirmed.

Janice Stevenson, pro se.

Scott D. Carman for the defendant.

FOOTNOTES

[Note 1] The plaintiff appears pro se and purports to represent both herself and another individual. Although she of course may represent herself, she may not represent another. See *Varney Enters., Inc. v. WMF, Inc.*, 402 Mass. 79, 82 (1988) ("person appearing pro se does not represent another"). To the extent that the petitioner also seeks to represent all similarly situated individuals, the same holds true.

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A2: Massachusetts Appeals Court Judgment

SUPREME JUDICIAL COURT
for Suffolk County
Case Docket

TND HOMES I LLC v. JANICE STEVENSON
 THIS CASE CONTAINS IMPOUNDED MATERIAL OR PID
 SJ-2018-0366

CASE HEADER

| | | | |
|-----------------------|----------------------------------|-----------------------|--------------------------|
| Case Status | Disposed: judgment after rescrpt | Status Date | 05/21/2019 |
| Nature | Certiorari c 249 s 4 | Entry Date | 08/16/2018 |
| Sub-Nature | Lack of Jurisdiction | Single Justice | K |
| TC Ruling | | TC Ruling Date | 04/13/2018 |
| SJ Ruling | | TC Number | 17H84SP004588; 17H84SP00 |
| Pet Role Below | Defendant in lower court | Full Ct Number | SJC-12581 |
| Lower Court | Eastern Housing Court | Lower Ct Judge | Jeffrey M. Winik, J. |

INVOLVED PARTY

ATTORNEY APPEARANCE

Janice Stevenson
 Defendant/Petitioner

Scott D. Carman, Esquire

TND Homes I LLC
 Plaintiff/Respondent

Clerk - SJC for the Commonwealth
 Clerk for Commonwealth

Janice Stevenson
 Pro Se Defendant/Petitioner

DOCKET ENTRIES

| Entry Date | Paper | Entry Text |
|-------------------|--------------|--|
| 08/16/2018 | | Case entered. |
| 08/16/2018 | #1 | Affidavit of Indigency & Request for Waiver, Substitution or State Payment of Fees & Costs pursuant to G.L. c.261, s.27A-G filed by Janice Stevenson, pro se. |
| 08/16/2018 | #2 | Petition For Writ Of Certiorari with Certificate of Service and Appendix filed by Janice Stevenson, pro se. |
| 08/16/2018 | #3 | Determination Regarding Fees & Costs by Clerk:ALLOWED FORTHWITH. |
| 08/16/2018 | #4 | JUDGMENT: ... "This Court will not exercise its extraordinary power where relief is available through the normal appellate process. (It also appears the petitioner has initiated an action in the Land Court. See 18 MISC 000359.) Upon consideration, it is ORDERED that the petition is DENIED without hearing." (Kafker, J.) |
| 08/16/2018 | #5 | Notice to counsel/parties, regarding paper #4 filed. |
| 08/22/2018 | #6 | Notice of Appeal with Certificate of Service filed by Janice Stevenson, pro se. |
| 08/22/2018 | #7 | Notice of assembly of the record. |
| 08/22/2018 | #8 | Notice to counsel/parties, regarding paper #'s 6 & 7 filed. |
| 10/01/2018 | #9 | Notice of Address Change, filed with Certificate of Service, filed by Janice Stevenson, Pro Se. |
| 05/20/2019 | #10 | Rescript: (April 22, 2019) ... ORDERED, that the following entry be made in the docket; viz., -- Judgment affirmed. |
| 05/21/2019 | #11 | JUDGMENT after Rescript from the SJC for the Commonwealth. |
| 05/21/2019 | #12 | Notice to counsel/parties, regarding paper #11 filed. |

As of 05/21/2019 20:00