

Case No. 20-1022

THE SUPREME COURT  
OF THE UNITED  
STATES

ORIGINAL  
PETITION

Jean Coulter, Petitioner

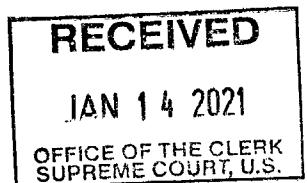
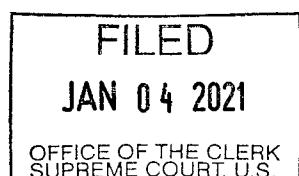
v.

JAMSAN Hotel Management, Inc. & others,  
Respondents

On Petition for Certiorari  
to the Supreme Judicial Court of  
Massachusetts

Petition for Writ of Certiorari

Jean Coulter, Petitioner  
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PMB 172  
Butler, Pennsylvania 16001  
412-616-9505  
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I sincerely hope that you have never personally experienced the sheer terror of standing alone in a hotel room while a stranger attempts to break-in – especially when that stranger is well aware that you are alone, hiding inside. But I genuinely believe that each one of you can understand the extreme terror which I experienced during my stay at the Quality Inn & Suites in Lexington, MA.

Further, I hope that neither you nor you loved ones will ever experience the utter desperation which I felt - upon discovering that the local police had no intention of taking even the most basic steps to protect me from being further **victimized by these thugs** - who used their “official” status to assure that the hotel's Desk Supervisor would not be forced to turn away a member of a newly-enlarged tour group- because they felt it's wasn't fair for me to stay when they needed the room for new guests coming in!

Surely though, I think that you will agree that I must be allowed to recover at least for the economic losses that I suffered that night... even if it means that a couple of “dirty cops” would be “called out” for their decisions to assist in the crimes being committed at the hotel that day!

a. QUESTIONS PRESENTED

1. Was Coulter denied Due Process because of Bias?
2. Is Pervasive Bias responsible for the denial of Due Process to Coulter and others?
2. Is the new Massachusetts Police Accountability (POST) Commission destined to fail - unless the commission assures that the majority of its members are from outside of the “Justice System”?



11.	Massachusetts Chapter 140, Section 7	33a.
12.	Massachusetts Chapter 140, Section 12C	34a.
13.	Massachusetts Chapter 266, Section 17	35a.
14.	Massachusetts Chapter 223, Section 13	36a.
15.	Motion and Memorandum - Change of Venue	37a.
16.	Fourth Amended Complaint	43a.
17.	Request for Further Appellate Review - Raising Pervasive bias (portions)	70a.
18.	Police Defendants' Motion to Dismiss in the federal court	75a.
19.	Complaint for Civil Action in the U.S. District Court	87a.
19.	Contracts - Confirmation of Reservation	101a.
20.	Letter by Defendant Biagioni	113a.
21.	Hand-written Order "denies" written (dated 6/19/18)	118a.
22.	Motion to Amend the Findings in the U. S. District Court	119a.
23.	Motion for Reconsideration	125a.
24.	Motion for Recusal	131a.

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Crawford v. Hotel Essex Boston Corporation, 13.  
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Frewen v. Page, 238 Mass. 499, 503, 131 12., 13.  
N.E. 475, 476, 17 A.L.R. 134

Marino v. Hyatt Corp., 793 F. 2d 427 - Court 13.  
of Appeals, 1st Circuit 1986

Vadnais v. NSK Steering Sys. Am., Inc., 675 11.  
F.Supp.2d 205, 207 (D.Mass.2009)

Weiler v. PortfolioScope, Inc. 12 N.E.3d 354, 361 14.  
(Mass. 2014)

**d. REPORTS OF OPINIONS AND ORDERS**

The decision of the Appeals Court of Massachusetts is recorded at 97 Mass. App. Ct. 1124 (2020) (Case No. 19-P-951 in the state appeals court), only states :

“June 12, 2020.

Judgment affirmed. Orders denying motions to amend the findings and for change of venue affirmed.”

The state’s highest court, the Massachusetts Supreme Judicial Court, denied review however, so there is no report of that decision.

**e. JURISDICTIONAL STATEMENT**

All of the matters under consideration at this time were denied review in the Massachusetts Supreme Judicial Court on August 5, 2020.

Jurisdiction in this Honorable Court is pursuant to :

**28 U.S. Code § 1257- State courts; certiorari**

(a) Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

f. CONSTITUTIONAL PROVISIONS,  
STATUTES & ORDINANCES

Amendment XIV - Section 1,  
of the United States Constitution

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Amendment V  
of the United States Constitution

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Massachusetts Rules of Civil Procedure  
Rule 77: Courts and clerks

...

**(c) Filing date of all papers received by clerk**

The clerk shall date-stamp all papers

whatsoever received by him, whether by hand or by mail. Any paper so received, whether stamped or not, shall be deemed to have been filed as of the date of receipt. If at any subsequent time, any party disputes the fact of such filing, the court shall determine the question, taking whatever evidence it deems appropriate. Proof of mailing shall constitute *prima facie* proof of receipt.

...

**General Laws Part IV Title I Chapter 266**

**Section 120: Entry upon private property after  
being forbidden as trespass; *prima facie*  
evidence; penalties; arrest; tenants or  
occupants excepted**

Section 120. Whoever, without right enters or remains in or upon the dwelling house, buildings,

...

This section shall not apply to tenants or occupants of residential premises who, having rightfully entered said premises at the commencement of the tenancy or occupancy, remain therein after such tenancy or occupancy has been or is alleged to have been terminated. The owner or landlord of said premises may recover possession thereof only through appropriate civil proceedings.

**General Laws Part I Title XX Chapter 140**

**Section 7: Refusing to provide for travelers**

Section 7. An innholder who, upon request, refuses to receive and make suitable provision for a stranger or traveler shall be punished by a fine of nor more than fifty dollars.

**General Laws Part I Title XX Chapter 140**  
**Section 12C: Refusal of accommodation in hotel**  
**to persons acting in disorderly manner;**  
**damage deposits**

Section 12C. (a) An innkeeper may refuse to admit or refuse service or accommodation in the hotel to a person who: while on the premises of the hotel acts in an obviously intoxicated or disorderly manner, destroys or threatens to destroy hotel property, or causes or threatens to cause a public disturbance; or refuses or is unable to pay for the accommodations or services. An innkeeper may require the prospective guest to demonstrate an ability to pay. An innkeeper may require a parent or guardian of a minor to accept liability for the proper charges for the minor's

...

**General Laws Part IV Title I Chapter 266**  
**Section 17: Entering without breaking at night;**  
**breaking and entering in day time; weapons;**  
**punishment**

Section 17. Whoever, in the night time, enters without breaking, or breaks and enters in the day time, a building, ship, vessel, or vehicle, with intent to commit a felony, the owner or any other person lawfully therein being put in fear, shall be punished by imprisonment in the state prison for not more than ten years. ...

g. STATEMENT OF THE CASE

Events which Lead to the Filing of this Civil Suit

Coulter planned a lengthy trip to the Boston and Coulter made pre-paid non-cancellable/non-changeable reservations for the period extending from September 2, 2013 through October 16, 2013. (47a.)

Coulter approached the hotel's desk during the late morning (49a.) and that moment Coulter first came into contact with Defendant Biagioni. Coulter asked for the hotel's shuttle – but rather than a cordial conversation, **Biagioni instead displayed behavior can only be described "completely irrational".** (50a.) Out of the blue however, Biagioni began screaming at some unseen person to not speak so loudly. (51a.) Coulter attempted to continue their discussion about the shuttle. Suddenly though, Biagioni looked directly at Coulter and told her that she must immediately check-out of the hotel because she was being so disruptive. (52a.) Coulter calmly explained that she had pre-paid for her reservation and there were literally weeks left before Coulter was scheduled to leave. When Biagioni's inexplicable behaviors continued, Coulter asked to discuss the issue with the hotel's Manager, and Biagioni claimed that he was the Manager of the hotel. (Coulter has since learned that this was a lie.) (52a.)

So, Coulter searched the lobby's brochures for the phone number for Defendant Choice Hotels. But, even Coulter looking around the lobby for a phone number for Choice Hotels was enough to result in Biagioni screaming at Coulter, and Biagioni

threatening to have Coulter arrested for Trespassing. (54a.)

In order to escape Biagioni's threats and erratic behaviors, Coulter moved outside to continue on her phone call.

Coulter decided to look up the Massachusetts Trespassing Laws, to make certain that Biagioni could not actually attempt to have Coulter arrested, and quickly saw that it is inapplicable to residential situations. (54a.) Coulter was concerned though because Biagioni was acting irrationally, so she called the Lexington Police to see if Biagioni could be convinced to react more reasonably to the situations at hand. (54a.)

When the Police Officer eventually arrived at Coulter's door, it quickly became obvious that Defendant Officer Evelyn had first spoken with Biagioni – as Officer Evelyn stated that he would not assist the hotel in forcing Coulter to leave, unless the hotel decided to have Coulter charged with trespassing! (56a.) Coulter briefly explained her research on the Massachusetts law, and after just a moment's thought, the Officer said he agreed, and left the area. (56a.)

Eventually the phone in Coulter's room rang. (57a.) It was a female employee of the hotel saying she'd been asked to assist with Coulter's departure from the hotel. Coulter explained that she had a lengthy pre-paid reservation and the call soon ended. Just a short time later, the phone rang again and this time it was Biagioni calling, once again ranting! (57a.)

Coulter told Biagioni that she not to call again, and hung up the phone. But, Biagioni kept calling back – at first Coulter just let the phone ring, but eventually Coulter took the phone off the hook before Biagioni had re-dialed.

A short period of time passed – when suddenly Coulter heard **very loud pounding on the door to Coulter's room!** (57a.) Coulter moved the curtain aside (to see who was at the door) - and Coulter recognized Biagioni, and an unknown man with him. Coulter called through the still closed door, asking what the two men wanted. Biagioni **demanded that Coulter immediately open the door to let the two men into her room.** Coulter refused, and told them to leave her in peace. (57a.) But the men did not leave they kept bellowing their demand that she open the door. Soon, the other man ("Adam") eventually threatened and then did use his "passkey" to open the door as far as the "night latch" permitted. (57a.)

While the door was still open (and Coulter was frantically looking for the phone number for the local police as 911 wouldn't work) Adam called out to get Coulter's attention so she would see a finger wiggling through the opening - to make certain that Coulter was aware just how thoroughly her safety was being threatened. (57a.) Before leaving her door, **Adam yelled out that the pair would be returning with bolt cutters to force their way into Coulter's room!** (57a.)

Coulter again called the police, but the dispatcher clearly did not want to send an officer out again, until Coulter explained about the threat to

return with bolt cutters to complete the break-in.

(58a.)

Earlier in the day, Coulter had "deduced" that when Officer Evelyn came in response to her call he had first stopped to speak to the hotel employees (Biagioni and Adam). This time, Officer Evelyn had brought another officer with him (Officer Papia) as well as bringing Biagioni and Adam to Coulter's door! (59a.) Coulter explained everything that had gone on since the last time the police had been there, and no one disputed anything that Coulter said. (60a.) However, Biagioni claimed that Coulter had agreed to leave the hotel by 3:00 - supposedly during her call with Choice Hotels that morning. ( Yet, 2 days later Biagioni wrote in a letter (which was required by Choice Hotels), that Officer Evelyn had told him I'd agreed to leave by 2:00.) Coulter vigorously denied any such agreement.

Officer Evelyn then started claiming that Coulter absolutely must leave because Evelyn "knew that Coulter had not been paying the charges for her room". (59a.) Coulter told the officers that she could prove that the charges were pre-paid for almost another full month but neither officer had any interest in seeing the proof. Instead Officer Papia insisted that Coulter must check-out because the hotel had other people scheduled to be arriving, and said that he felt "it wasn't fair" for Coulter to stay because the hotel needed her room for those newly arriving guests.

(60a.)

Eventually Coulter realized she could not possibly be safe in her room (as the police had chosen

to join in with Biagioni), Coulter packed a small bag with valuables and went to Logan airport to pick up a van to use to move her belongings to some other hotel for the night and to who knew where for the remaining weeks of her trip. (63a.)

Proceedings in the State Courts

In the **trial court** Coulter filed Motion for Change of Venue, due to serious issues with "lost" or delayed docketing of filings (27a.) and Recusal (18a.) - citing actions by Court Records (venue) and the State Court, which clearly favored defendants.

In the lower appellate court, the Panel specifically affirmed the Denial of Change of Venue even though their entire decision (beyond "boiler-plate" information) was less than 300 words.

The Petition for Further Appellate Review in the state's court of discretionary appeals, also raised the issue of bias in favor of members of the Justice System seems universal among all members (71a.)

h. ARGUMENT – PERVASIVE BIAS

In order to prove that Coulter has been denied Due Process due to Pervasive Bias, Coulter must first prove that the decision by the Trial Court is invalid. Indeed, Bias is evident in the Trial Court's sparsely-worded determination that Coulter's Complaint "fails to state a claim ..." :

" ... Even as revised, the [proposed Fourth Amended] Complaint fails to state a claim upon which relief can be granted (and certainly not relief of \$25,000 or more). This case is hereby dismissed, with prejudice.

(5a., 6a.)

So, Coulter will now prove that the decision by the Trial Court is/was "invalid" - or, in other words, that Coulter's Complaint sufficiently pled at least one Claim "upon which relief can be granted".

Breach of Implied Contract

While Coulter believes she could prove that multiple Claims are/were sufficiently pled, Coulter now argues only that the Claim of Breach of Implied Contract, with respect to the actions by Defendants Biagiioni and Adam – was sufficiently pled to require that Coulter's Complaint be permitted to be continue for preparation for trial.

Coulter Has Sufficiently Pled  
The Elements Of A Contract

In order to sufficiently plead "Breach of Implied Contract" (and/or "Breach of Contract"), the elements of a contract must be pled – as explained in Bosque v. Wells Fargo Bank, NA, 762 F. Supp. 2d 342 - Dist. Court, D. Massachusetts 2011 :

The elements of a valid contract are an **offer**, **acceptance**, and an **exchange of consideration or a meeting of the minds**. See Vadnais v. NSK Steering Sys. Am., Inc., 675 F.Supp.2d 205, 207 (D.Mass.2009).  
(emphasis added)

**Offer, Acceptance & Consideration**

Coulter's Complaint specifically states that she went on Travelocity.com and saw an offer of a hotel room, at a "Top Secret Hotel", for the dates from September 2, 2013 to October 16, 2013, at the rate of \$52.55 per night (plus taxes and fees) listed by Travelocity on their site. Coulter decided to accept the offer, and completed the "paperwork" including authorization of the charges for the full amount of the trip, to be immediately paid by Coulter's credit card – thereby completing the compensation section of their Contract. The "reservation confirmation" pages show Coulter's payment of the full amount of the hotel's charges as well as the taxes (and fees charged by Travelocity.com), as well as the basic terms of their "Contract". (101a. – 112a.)

*... Breach of Contract,  
Breach of Implied Contract ...*

1.) On August 21 and 23, 2013, Pro Se Plaintiff JEAN COULTER ("Coulter") prepaid for hotel reservations ... for the period from September 2, 2013 through October 16, 2013... for a room at Defendant QUALITY INN & SUITES - HISTORIC LEXINGTON, MA/ BOSTON- NORTH ("Quality Inn"). (43a.)

...

By pre-paying the full amount that the "offer" requires, Coulter has sufficiently pled (a) the offer, , (b) the acceptance and finally (c) the consideration (or meeting of the minds) have all been pled and that Coulter's obligations have been met (as Coulter's steps in permitting her credit card to be immediately charged for the reservation) as completed all of Coulter's obligations of their contract). Therefore, only the Defendant Hotel's obligations in relation to the contract remained to be completed.

#### **Terms Of The Contract Were Breached**

The actual written contract (as emailed to Coulter at the time that Coulter made (and pre-paid for) the reservation) only minimally enumerates the Parties rights and obligations – for example, the contract does not mention that there is to be electrical service is included. Additionally, *Case Law from Massachusetts (and other states), explains that guests at a hotel have "contractual rights" that extend beyond the hotel's obligations to provide a bed for the guest to sleep in.* As explained in Crawford v. Hotel Essex Boston Corporation, 143 F. Supp. 172 - Dist. Court, D. Massachusetts 1956, (citing Frewen v. Page, 238 Mass. 499) Quality Inn & Suites (the defendant hotel) is/was obligated to assure Coulter's (and every other every registered guest's) "contractual rights" to an entitlement to "immunity from ... personal abuse and unjustifiable interference, whether exerted by the defendant or his servants, or those under [the hotel's] control." :

"However, there is another principle to be taken into consideration. The plaintiff was a

registered guest in the hotel. This gave him contractual rights, greater than those of the usual business invitee. He was entitled to "immunity from rudeness, personal abuse and unjustifiable interference, whether exerted by the defendant or his servants, or those under his control." Frewen v. Page, 238 Mass. 499, 503, 131 N.E. 475, 476, 17 A.L.R. 134. The court went on to say, 238 Mass. at page 504, 131 N.E. at page 477;

"The guest is entitled to respectful and considerate treatment at the hands of the innkeeper and his employees and servants, and *this right created an implied obligation that neither the innkeeper nor his servants will abuse or insult the guest, or engage in any conduct or speech which may unreasonably subject him to physical discomfort, or distress of mind, or imperil his safety.*"

See also, Chamberlain v. Chandler, C.C. D.Mass., 5 Fed.Cas. p. 413, No. 2575. ..." *(emphasis added)*

See also Marino v. Hyatt Corp., 793 F. 2d 427 - Court of Appeals, 1st Circuit 1986.

In order to show that Defendants' Breached the Contract, the Complaint must sufficiently plead (1) that a valid contract between the Parties existed, (2) that the plaintiff was ready, willing and able to perform, (3) that Defendant(s) breached the contract and finally (4) that Plaintiff sustained damages, s explained in Bose Corp. v. Ejaz, 732 F. 3d 17 - Court of Appeals, 1st Circuit 2013 :

“... under Massachusetts law, a breach of contract claim requires “the plaintiff to show that (1) a valid contract between the parties existed, (2) the plaintiff was ready, willing, and able to perform, (3) the defendant was in breach of the contract, and (4) the plaintiff sustained damages as a result.” *Bose Corp. v. Ejaz*, 732 F.3d 17, 21 (1st Cir. 2013); *Weiler v. PortfolioScope, Inc.* 12 N.E.3d 354, 361 (Mass. 2014) (“covenant of good faith and fair dealing is implied in every contract.”)....” (emphasis added)

Coulter has already argued the existence of the Contract (above). And, the same paragraph that is quoted above :

1.) On August 21 and 23, 2013, Pro Se Plaintiff JEAN COULTER ("Coulter") prepaid for hotel reservations ... for the period from September 2, 2013 through October 16, 2013... for a room at Defendant QUALITY INN & SUITES - HISTORIC LEXINGTON, MA/ BOSTON- NORTH ("Quality Inn"). (47a.)

also explains that Coulter had completed her portion of the Contract, as the reservation was “prepaid”. So “(2) the plaintiff was ready, willing, and able to perform” for the portion of the Contract related to Coulter’s obligation to pay, was sufficiently pled in paragraph #1. Coulter (I assume) also is obligated to take reasonable precautions, just as the hotel is/was required to assure Coulter’s safety from attacks by the “Innkeeper” or “his servants” – which Coulter’s Complaint does, in detail in paragraphs #13 and #14. (55a. - 57a.) :

“Claim 6  
Fraud,

*Breach of Contract,  
Breach of Implied Contract, ...*

*Parties being sued in relation to this Claim*  
*Quality Inn & Suites — Historic Lexington,  
MA /' Boston- North, Kenneth J Biagioni,  
Lexington Police Department, Officer Evelyn,  
Unknown "Desk Agent " of Quality Inn &  
Suites, Unknown Employee of Quality Inn &  
Suites (/mown only as Adam) as well as all  
Corporate Defendants ...*

*Facts Upon Which The Claim Is Based*

...

13.) After the Police Officer left, Coulter began receiving harassing and threatening calls from Defendant Biagioni and another desk employee UNKNOWN "DESK AGENT" OF QUALITY INN & SUITES ("Unknown Desk Agent") - demanding that she leave immediately. Soon after Coulter began to ignore the ringing phone, she heard a **very loud pounding on the door to her hotel room**. Voices outside the door claimed to be Defendant Biagioni and UNKNOWN EMPLOYEE OF QUALITY INN & SUITES (KNOWN ONLY AS ADAM) ("Adam"). Those voices **demanded that Coulter open the door. And that she soon leave the hotel!** When Coulter refused to open the door — afraid for her own safety, the two Defendants threatened to, and then did, use their "key" to attempt to open the door. **Fraud. Personal Injuries related to various crimes by ... Breach of Implied Contract.** .... all Massachusetts-

based Corporate Defendants and Defendants Biagioni and Unknown Employee known only as Adam

14.) Because the "night latch" was still on, Defendants Biagioni and Adam were unable to enter. But, shortly, the voice later identified as Adam, stated that they intended to return after they retrieved their bolt cutters - so they could force their way in to the room.

... Breach of Implied Contract. ... all Massachusetts- based Corporate Defendants and Defendants Biagioni and Unknown Employee known only as Adam. (57a.)

The Complaint describes that Biagioni and Adam came to Coulter's room and demanded that she open the door to let the two men into her room. And, the Complaint continues, pleading that when Coulter refused to go to the door and open it, "the two Defendants threatened to, and then did, use their "key" to attempt to open the door" – and further, upon seeing that the "night-latch" was on, the two men left to "retrieve their bolt-cutters" to force their way in! So, it is readily apparent that despite Coulter's best attempts to protect herself, the Complaint has pled sufficient facts to have met the obligation to describe "(3) that Defendant(s) breached the contract" when Defendants Biagioni and Adam (both employees of the Hotel), undertook the actions described in paragraphs #13 and #14 (and the information about the parties and claims that precede those paragraphs under Claim 6).

Finally, to pled that the Implied Contract was breached, the Complaint also must have pled sufficient facts in relation to "(4) the plaintiff sustained damages as a result" of the actions by

Biagioni and Adam. Indeed, in Claim #10, paragraph #19, the Complaint plead that Coulter had to travel to the airport to pick up a rental mini-van :

“Facts Upon Which The Claim Is Based”

19.) Eventually, at approximately 3:00 P.M. Coulter succumbed to the pressures exerted by the Defendant Officers – at the clear request of the Hotel Defendants. Coulter took one small bag, and went to the airport to pick up a rental mini-van. ... Breach of Implied Contract ...” (63a.)

While the rental of the mini-van was not the only “damage” “sustained” by Coulter, pleading one damage is sufficient to show that Coulter “sustained damages as a result”. So, Coulter’s Fourth Amended Complaint has sufficiently pled all four elements necessary to plead a Breach of Implied Contract.

Conclusion

Because Coulter’s Fourth Amended Complaint sufficiently pled the facts necessary to prove both the existence of a Contract between the Parties, as well as the facts that are necessary to prove that Defendants’ Breached their Contract – the Dismissal of the Fourth Amended Complaint by the State Court was invalid. So, the Denial of Due Process because of Bias has been proven.

However, Coulter also has asked This Court to determine if Pervasive Bias is the reason that the State Court (who had absolutely no known personal knowledge of Coulter), produced such a clearly invalid and Biased determination.

**The Source Of Bias Is Unrelated Any  
Knowledge Of Coulter – And Is Instead Is  
PERVASIVE BIAS FAVORING “JUSTICE  
SYSTEM” DEFENDANTS**

Although there is no shortage of Case Law on the issue of Pervasive Bias, almost without exception the decision in each of those cases determines that there is insufficient evidence of Pervasive Bias in that particular case.

In this case, Coulter is arguing that it is Bias which favors (or benefits) the Defendants, which is the “issue” which Coulter has experienced and which was the exclusive reason for everything that occurred in the Instant Matter. Despite the fact that Coulter has not discovered any Case Law which concerns this particular form of Bias, it certainly appears to be prevalent anytime that one or more of the Defendant(s) in a Civil Case, are members of the “Justice System” - as is the situation in this case (as Coulter’s Complaint includes several officers from the local Police Department (Officers Evelyn and Papia, etc.)).

**Specific Examples of the Pervasive Bias -  
favoring “Members of the Justice System” as  
found in the federal court**

Coulter initially filed her Complaint in the federal court, based primarily on the hope that by removing the matter from the hands of the state court judges (who rely on the testimony of these same members of Law Enforcement in their courtrooms) – that in this manner, Coulter might be able to find a truly “impartial” jurist. This however, was not what Coulter found in either the District Court or the Circuit Court.

The first example of blatant Bias/Pervasive Bias on the part of members of the “Justice System” is found in the Electronic Order filed on January 27, 2016 by Judge Richard G. Stearns of the U.S. District Court for Massachusetts in case 1:15-cv-13355, which states :

“... With regard to Officers Evelyn and Papia, Coulter recounts their response to her (and the innkeeper's) repeated 911 calls to the Lexington Police Department. The innkeeper asserts that Coulter was trespassing Coulter contends that the innkeeper was ejecting her from the hotel against her will when she had prepaid for a room. ... Officers Evelyn and Papia investigated allegations of trespass. Based upon the facts as set out in the Complaint, they had probable cause to believe that a trespass had occurred. See Mass. Gen. Laws ch. 266, § 120. Speaking with the innkeeper prior to interviewing Coulter was the responsible and prudent course for an officer called to investigate a reported crime.”

(10a.) (emphasis added)

However, Coulter's Complaint never alleged anything even vaguely like the set of circumstances which the Federal Court cited – however, Counsel for the Police Defendants did!. Thus, the District Court chose to accept as true the “alternative facts” suggested by Defendants' Counsel in their Motion to Dismiss rather than accepting as true the facts that Coulter alleged in her Complaint - which the Federal Court most certainly knows is required by Rules of Court as well as Ashcroft v. Iqbal) Those “alternative facts” simply and entirely untruthfully/

falsely assert that Coulter's Complaint "alleges" that there were calls to the police from both Coulter and the hotel. It is obvious that the judge chose to pretend that Coulter had alleged facts which might have "exonerated" the Police Defendants IF indeed, Counsel's claims were true :

"There is no requirement for an officer to believe one side of a reporting party over another reporting party - the Complaint alleges that both parties called 911. (Plaintiff's Complaint, ¶ 18). (83a.)

However this claim by Defendants' Counsel, which the Federal Court so swiftly adopted, is, in fact, clearly contradicted by the very wording of Coulter's Complaint (61a.) which instead, describes how, upon being confronted with the fact that (all 4 of the Defendants) had been caught "in the act" –

**Defendant Evelyn swiftly concocted an lie to excuse the officers' choice to first speak with the Criminals (Defendants Bagioni and Adam) rather than coming to the aid of their victim -** And the officers' Counsel falsely described Coulter's Complaint hoping the Federal Court would adopt the assertion that "... there had first been a call from the Hotel, prior to my call." :

"18.) ... Coulter stated that it was clear that on both occasions, Defendant officer Evelyn had chosen to speak first with the criminals rather than respond to the cry for help from the victim - and at that moment, he [Evelyn] claimed that there had first been a call from the Hotel, prior to my call. However, no mention of that call was made by the dispatcher who was obviously reluctant to send out officers again for the continuing

problem with these criminals - *and further there is no evidence to support the claim of a prior call* by the Defendants. ... “  
(emphasis added) (61a.)

This court’s decision in Ashcroft v. Iqbal, 556 US 662 - Supreme Court 2009 clearly explains that the District Court was required to accept as true the well-pled allegations in Coulter’s Complaint, and also it was required to disregard the assertions advanced by Police Defendants’ Counsel :

“... for the purposes of a motion to dismiss we must take all of the factual allegations in the complaint as true ...”

Indeed, it is abundantly clear that Coulter’s Complaint is not alleging that the hotel had also called the police, but rather Coulter’s Complaint has clearly “called out” Defendant Evelyn for his conscious choice to fabricate a story (lie) about a prior call, in an obvious attempt at covering-up the criminal actions by the Police Defendants :

“[Evelyn] claimed that there had first been a call from the Hotel, prior to my call. *However, no mention of that call was made by the dispatcher* who was obviously reluctant to send out officers again for the continuing problem with these criminals - and *further there is no evidence to support the claim of a prior call by the Defendants. ...*” (61a.)  
(emphasis added)

While the First Circuit’s decision does not directly “benefit” the Police Defendants, it clearly does so indirectly instead – as they must give deference to the Trial Court’s decisions. And,

perhaps the fact that the rules which govern the decision-making process of the appellate courts do not merely "encourage" subsequent judges to give deference to the determinations of the Trial Court – indeed, they are consciously designed to be that way. And, this identical "issue" of deference, becomes more evident in the decisions in the state courts.

**Specific Examples of the Pervasive Bias - favoring "Members of the Justice System" as found in the state courts**

In the trial court in Middlesex County, Coulter experienced documented examples of the effects of Pervasive Bias, through the actions/attitudes of **the employees in department of Court Records as well as other court employees who are responsible for assuring that the court's** I found it necessary to file a Motion requesting Change of Venue (37a. – 42a.) exclusively because the delays, confusion and general frustration caused by the problems I experienced in simply attempting to have my filings docketed :

1.) On April 23, 2018, Coulter mailed Emergency Motion for Extension of Time to File Amended Complaint as well as Motion to Compel Discovery. Although the Post Office has never returned the envelope which Coulter mailed on April 23, that "copy" of the document was never filed ...

2.) Coulter re-mailed both of the documents (again in one envelope). Civil Records finally docketed, on May 3, 2018, Coulter's Emergency Motion for Extension of Time, while it took until May 7, 2018 for the Motion to Compel Discovery to be docketed –

despite both documents having been mailed in the same envelope!

...

5.) Indeed, the second mailing of the Fourth Amended Complaint was never even docketed until May 22, 2018, ... the document having been signed for by "Beatrice Van Meek", "Sessions Clerk" on March 16, 2018 ...

6.) Coulter has repeatedly spoken with employees of Civil Records, and given conflicting stories as to the procedures of Civil Records. ... never even time-stamps Amended Complaints until after all outstanding Motions have been ruled on! ...

8.) ... Defendants Counsel, on April 4, 2017 claimed to have discussed their decision to ask the original Trial Court to rule on their Motion to Dismiss, with someone in the Trial Court's office (presumably the same "Session Clerk"), earlier that same week. And, indeed, in April 2017, the Trial Court as well as a woman (believed to be Van Meek) both attempted to make Coulter accept a ruling on April 4, 2017, despite Coulter vehemently complaining that she had been given absolutely no notice of the Motion to Dismiss being set for argument on any date ..."

Indeed, as the result of the departments' repeated "loss" of documents which Coulter had sent by differing independent Courier Services, Coulter's filings repeatedly came up missing, and thus placed Coulter's case in jeopardy as she narrowly escaped dismissal on the basis of failure to comply with deadlines imposed by the Court.

It should also be noted that the decision in the Appeals Court specifically cites the delayed filing of pertinent documents. (3a.)

**Thus, the issue of Pervasive Bias was raised in the state court, both in the Trial Court and in the Appeals Court in Coulter's Motion for Change of Venue (as well as Coulter's motions (plural) for Recusal).** In each court, the Motion was dismissed without comment of any form.

It is abundantly clear that none of the employees of the Middlesex County Court had personal animosity toward Coulter, except that which was "fed" to them by other, "higher" employees of the court - as Coulter had only visited friends in Massachusetts on two (2) occasions since she moved away from the state more than thirty (30) years earlier. So, it is inconceivable that any employee of the department was independently motivated to take the steps necessary for such frequent violation of Coulter's Right to Due Process, as occurred in the Court Records department. It is therefore only reasonable to assume either that the Middlesex County Court exists in a perpetual state of utter chaos - or that one or more "outside" forces expressed an interest in Coulter's case being intentionally "tanked" – and that that person or persons found "receptive ears". And, the fact that the Trial Court(s) who were authorized to make decisions in Coulter's case, never succeeded in "correcting" the recurring situation, only adds credence to Coulter's assertions, of the extreme and Pervasive Bias against Coulter and indeed anyone who dared to seek Justice from a Member of the Justice System!

### Examples of Pervasive Bias - as found in the Massachusetts Appeals Court

The only communications coming from the Appeals Panel, is the three page decision which essentially includes nothing more than "boiler-plate" listing of parties, etc. with the exception of the short, 240 words, "discussion" (3a. - 4a.) which includes two blatant examples of bias.

Still though, yet another example of bias exists in the "boiler plate information", specifically in the footnotes on page 1 of the decision which falsely states :

"2 Coulter's allegations stem from an unsatisfactory stay at the Quality Inn & Suites in Lexington, where she was removed from her room based on extensive use of the hotel's complementary shuttle service."

At no point however, has any Party or any one of the judges who heard the matter in either trial court, ever asserted that Coulter might be abusing the "shuttle service"! So this "determination" exists for some reason other than the legitimate determination of the case by the Panel.

I have begun referring to this type of nonsensical and irrelevant statements - or baseless conclusion - by either an attorney or a judge, as "invoking the Secret Handshake". It is readily apparent that these comments/conclusions are exclusively untruthful and their almost comical nature are clearly intended to alert any subsequent jurists that the case is one involving either a Member of the Justice System or someone else who "deserves" some form of "Special Consideration" (i.e. if the defendants are not members of the Justice System then they are part of some other "favored" group,

maybe a politician or a particularly wealthy individual or a celebrity, ...).

Moving on to the two blatant examples of bias which actually exist in the Panel's short "Discussion" - the next blatant example of bias forms the basis of the entire "decision", as the Panel asserts that the Trial Court's Order which (in its entirety) states :

"05/21/2018 Even as revised, the Complaint fails to state a claim upon which relief can be granted (and certainly not relief of \$25,000 or more). This case is hereby dismissed, with prejudice. Thomas P. Billings"

is actually a ruling on "her motion to extend the deadline to file an amended complaint and not on the fourth amended complaint itself. ..." (3a. - 4a.) And, based on their "conclusion" (that the dismissal of a complaint because it fails to meet the statutory minimum value of a case in the state's "Superior Court"), the Panel then determines that the Trial Court did not abuse its discretion in a determination involving only "case management" :

"... the second judge was ruling on her motion to extend the deadline to file an amended complaint, and not on the fourth amended complaint itself. 'Case management is committed to the discretion of the ... judge, and we review the decision for an abuse of discretion.' 63 Mass. Eagle Fund Ltd. v. Sarkans, App. Ct. 79, 85 (2005).

Here there was no abuse of discretion. The reasons for denying Coulter's motion to extend the deadline were well stated. ..."

The second example of blatant bias is displayed at the very end of the Panel's "determination" that the Trail Court ruled appropriately as the "reasons for

denying Coulter's motion to extend the deadline were well stated". It must be noted that there has never been any explanation of any form (from the Trial Court) beyond the 31 words contained in the hand-written comment (dated 05/21/2018), so the Panel's "determination" that "The reasons for denying Coulter's motion to extend the deadline were well stated" is *most certainly another invocation of the Secret Handshake* :

"05/21/2018 Even as revised, the Complaint fails to state a claim upon which relief can be granted (and certainly not relief of \$25,000 or more). This case is hereby dismissed, with prejudice. Thomas P. Billings"

**Thus, this is thus the THIRD time that the Appellate Panel has chosen to "invoke the Secret handshake" in a very brief decision!**

#### Conclusion

Because Coulter has never met, or indeed ever had any other form of contact with any of the jurists (or police officers beyond that explained in the Complaint), any bias against Coulter would not be based upon any facts/issues directly related to Coulter. Thus, it is almost certainly instead because of bias favoring one or more of the specific Parties in this case or, more likely Pervasive Bias which applies to every other member of the "Justice System" (or "Just Us System").

### Examples of Pervasive Bias as described in recent articles by the Boston Globe

This court has considered cases alleging Pervasive Bias against members of an oppressed minority, who have been subjected the consequences of Pervasive Bias – including the one which I discovered, United States v. Morrison, 529 US 598 - Supreme Court 2000, which explains that because the lower court struck down 42 U. S. C. § 13981 because that court :

“... concluded that Congress lacked constitutional authority to enact the section's civil remedy. Believing that these cases are controlled by our decisions in United States v. Lopez, 514 U. S. 549 (1995), United States v. Harris, 106 U. S. 629 (1883), and the Civil Rights Cases, 109 U. S. 3 (1883), we affirm.”

And, their assertions of Pervasive Bias were supported by extensive research to support their claims :

“... Petitioners' § 5 argument is founded on an assertion that there is pervasive bias in various state justice systems against victims of gender-motivated violence. This assertion is supported by a voluminous congressional record. Specifically, Congress received evidence that many participants in state justice systems are perpetuating an array of erroneous stereotypes and assumptions. ...”

And, since I (quite accidentally) uncovered the (albeit much less) extensive research by the Boston Globe which places a Spotlight on the results of their

investigation into the **ubiquitous Bias benefitting members of the “Justice System”** (in and around the Boston area), I am hoping that this court will consider my Petition, and **permit me the opportunity to have This Court’s determination in “my case” make a positive impact for the victims of wrong-doings by members of the “Just Us System” who have (on their own) or had a friend who abused their position/authority to permit the Member of the Justice System to escape responsibility for the injuries that the Member inflicted on “civilians”!**

The Boston Globe<sup>1</sup> has been recently running a series of articles under the Series Title **“BEHIND THE SHIELD | INSIDE THE BOSTON POLICE DEPARTMENT”** where the Boston Globe’s Investigative Reporters have been exposing how **Pervasive Bias** (which benefits judges, lawyers and police officers) exists to the extent that those Members of the “Just Us System” (Judges, Lawyers and Police Officers, essentially) frequently have completely escaped the natural repercussions of their actions – simply because they have been able to

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1 I was not aware of this series in time to obtain the appropriate “permissions,” and thus I am not able to include reprints in the Appendix – but I intend to **continue to seek the necessary permissions** (and hope to have them available before a Petition for Reconsideration would be due (if required)). Meanwhile I have provided the URLs where the Boston Globe Articles can be accessed, when a subscription is purchased. (Currently (I believe) the Boston Globe is still running an extremely affordable introductory subscription rate of \$1.00 for 6 MONTHS of access. After the 6 months if you haven’t chosen to cancel), the rate becomes something like \$6.00 per week.)

“benefit” from the abuses of discretion by other members of the “Just Us System”!

I find it particularly interesting that this occurs whether or not the “actions” occurred while the Member was “on the job” at the time of their “indiscretion” as well as whether or not the “actor” is employed in the same “branch” (Judiciary, Law Enforcement and/or Attorneys (whether they work in government positions or private practice, and in civil as well as criminal areas of practice) as their “benefactor” who is extending the “courtesy” to them.

In the Article titled An off-duty officer crashed into a disabled grandmother. A year later, she's still fighting City Hall By Andrew Ryan and Evan Allen Globe Staff, Updated December 19, 2020, 4:24 p.m., available at, <https://www.bostonglobe.com/2020/12/19/metro/an-off-duty-officer-crashed-into-disabled-grandmother-year-later-shes-still-fighting-city-hall/>

they report on an elderly woman (struggling to get by on Social Security) who was injured when an Off-Duty Police Officer ran a red light and slammed into her car. **Officer Dwain Jackson** had “borrowed” his cruiser at the end of his shift, driven it to a friend’s house, where he fell asleep. Four hours later, he awakened and was “flying” through a red

light, on his way to return the cruiser at the time of his accident.

Jackson has a lengthy history, and "borrowing" the police car is clearly not permitted. Still though, the officers who responded to the crash made no attempt to run tests for drugs or alcohol, or perhaps it is more appropriately described as consciously choosing to not perform those tests.

Anyway, the innocent victim was left injured, with her car totaled (and requiring her to even pay more than \$600 to have her car hauled away). What is particularly frustrating is that the elderly woman even hired an attorney (Atty. Green) – who apparently readily admitted that he had absolutely no intention of taking any steps to recover for his client, responding to the Reporter's questions, saying "I was a Boston police officer for 20 years and we don't want to get involved," and before he hung up, the victim's attorney added "You're wasting my time."

What makes this article particularly important is the admission by the private attorney that he (*as a practicing attorney and former police officer*) had no intention of taking any steps to actually recover for his client! Shouldn't Atty. Greene be concerned that the Disciplinary Board or the Bar Association will take steps to address his obvious "malpractice" (or worse)?!

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In the next article, the Boston Globe reports on the "Secret Courts" of Massachusetts, where the powerful are frequently taken in order to help

conceal their “indiscretions”. I am choosing this article to discuss here, because the previous article describes how Police Officers are protected by their fellow officers, as well as Attorneys in private practice (who willfully “tank” their client’s case, exclusively to benefit another member of the Justice System”.

This article describes how Justice System Members who get “caught up” in criminal activities frequently are assisted by Police Officer, private (and/or prosecuting attorneys) and even Judges who learn of their “indiscretions”.

Although the majority of the “cases” discussed in this article concern the **theft of over-time pay – amounting to as much as the tens of thousands of dollars per year for one single Officer** – there is also an account of a Judge who “accidentally” **picked up a \$4,000.00 watch at Logan Airport security – and decided to wait to “return” it when the TSA employees would not be so busy.**

In addition to telling the tale of the judge who almost “got away” with it, Mr. Wallack describes how the jurist and the police frequently make a deal with their “associate”, ostensibly because it is in the “public’s interest”, which **frequently allows that Member of the Justice System to avoid criminal charges, and keep their pension, simply by agreeing to repay the money that has been proven they stole from the taxpayers’ coffers!** And, while the interviewee mentioned that this leniency is “common practice for professions like accountants and lawyers”, I wonder if attorneys don’t receive the benefit much, more, much frequently than accountants!

available at

<https://www.bostonglobe.com/metro/2018/12/07/charges-against-boston-police-officer-disappear-after-private-court-hearing/BzDUiCcGPd9kdpa0Jcu2XN/story.html>

## SPOTLIGHT FOLLOW

**Charges against Boston officer disappear after private court hearing**

By Todd Wallack Globe Staff, December 7, 2018, 8:15 p.m.

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*See also*

**BEHIND THE SHIELD | INSIDE THE BOSTON POLICE DEPARTMENT**

**The story behind a Boston police detective who benefited from two police coverups**

By Evan Allen and Andrew Ryan Globe Staff, Updated December 5, 2020, 4:19 p.m.

available at

<https://www.bostonglobe.com/2020/12/05/metro/story-behind-boston-police-detective-who-benefited-two-police-coverups/>

*and*

<https://www.bostonglobe.com/2020/06/24/metro/midst-police-brutality-protests-boston-officer-becomes-symbol-activists-outrage/>

**'The avatar of cop violence in Boston': Police captain routinely crosses line, activists say**  
**With six open internal investigations, Captain John "Jack" Danilecki has plenty of detractors — and some supporters**

By Dugan Arnett, Adam Vaccaro and Steve Annear  
Globe Staff,  
Updated June 24, 2020, 11:28 a.m.

*and*

[https://www.bostonglobe.com/2021/01/02/metro/when-boston-police-officers-fail-tell-truth-department-rarely-calls-all-lie-lie/?s\\_campaign=breakingnews:newsletter](https://www.bostonglobe.com/2021/01/02/metro/when-boston-police-officers-fail-tell-truth-department-rarely-calls-all-lie-lie/?s_campaign=breakingnews:newsletter)

#### **BEHIND THE SHIELD**

When Boston police officers fail to tell the truth, the department rarely calls a lie a lie

By Milton J. Valencia, Andrew Ryan and Evan Allen  
Globe Staff, Updated January 2, 2021, 4:46 p.m.

*and*

#### **BEHIND THE SHIELD**

For Boston police officers accused of crimes, legal troubles tend to just melt away

By Evan Allen and Andrew Ryan Globe Staff,  
Updated November 21, 2020, 6:16 p.m.

<https://www.bostonglobe.com/2020/11/21/metro/boston-police-badge-shields-officers-punishment-prosecution/?p1=Article Inline Text Link>

*and*

<https://www.bostonglobe.com/2020/10/10/metro/within-boston-police-more-often-white-officers-win-awards-black-officers-get-punished/?p1=Article Inline Text Link>

#### **BEHIND THE SHIELD: INSIDE THE BOSTON POLICE DEPARTMENT**

Within Boston police, more often white officers win the awards and Black officers get punished

By Andrew Ryan and Evan Allen Globe Staff,  
Updated October 10, 2020, 4:19 p.m.

*and*

<https://www.bostonglobe.com/2020/07/18/metro/within-boston-police-department-complaints-against-officers-are-rarely-confirmed-or-result-punishment/>

**Within the Boston Police Department,  
complaints against officers are rarely  
confirmed or result in punishment**

By Evan Allen, Matt Rocheleau and Andrew Ryan  
Globe Staff,  
Updated July 18, 2020, 3:53 p.m.

*and*

<https://www.bostonglobe.com/2020/09/25/metro/suffolk-da-rollins-releases-watch-list-136-area-officers-accused-misconduct/>

**Suffolk DA Rollins releases watch list of 136  
area officers accused of misconduct**

By Evan Allen, Milton J. Valencia and Andrew Ryan  
Globe Staff,  
Updated September 25, 2020, 10:33 p.m

*and*

<https://www.bostonglobe.com/2020/09/30/metro/dark-suffolk-da-rollins-wants-more-information-troubled-boston-officers/>

**‘In the dark.’ Suffolk DA Rollins wants more  
information on troubled Boston officers**

By Evan Allen, Andrew Ryan and Milton J. Valencia  
Globe Staff,  
Updated September 30, 2020, 6:10 p.m.

## CONCLUSION

It's clear that Coulter's Rights to Due Process were violated in this case. It's also clear that Coulter is not the only person injured by these Defendants (especially since Coulter found multiple occasions when Biagioni had tried this type of thing before – but it was only bad luck that Coulter arrived after Biagioni learned the secret phrase (or body language) that would signal certain member(s) of the Lexington Police Department, that their help, would be "greatly appreciated" (and that appreciation would be shown in a concrete manor)

Obviously, the economic loss that I suffered as the result of my stay at the Quality Inn & Suites in Lexington, MA, did not bankrupt me – but, I truly was deeply, negatively affected by it. In fact, a little more than a year later when I was staying at a Red Roof Inn (I refuse to stay at Quality Inns any more) outside of Washington, I came "home" at the end of the day to find the door to my room ajar, but when I called out, I got no response from the housekeeper (that I'd imagined was still working in my room).

**I got on my phone and called the desk of the motel to explain what I was seeing, and apparent my intense anxiety was immediately evident to the manager, as she told me to wait outside my room, and in clear view of cars and pedestrians, and she would immediately join me the the door to my room! After we both looked under the beds and behind the shower curtain, I found myself hugging that wonderful middle-aged woman with all of my strength!**

Every time that the "Justice System steps across that line and becomes the "Just Us System" the "members" don't just scare an old lady, they also

**undermine the foundations of the Halls of  
Justice, and, quite honestly, make a mockery of  
all of your hard-work and education!**

I truly mean it when I ask that you look at this case as your opportunity to begin the long process of cleaning up our Courtrooms. I realize that I am far too old to really see much of a difference. But, that doesn't mean that the change should not start TODAY! The death of George Floyd hopefully will turn out to be not in vain – because, hopefully his killers won't be found "Not Guilty" in yet another Bench Trial of Dirty Cops. And, hopefully, Attorney Green will be the last attorney who takes an injured old lady's money, only to do so with no intention of ever even trying to get her justice! **But the change won't happen until This Court demands that the change occur!**

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Jean Coulter".

Jean Coulter, Petitioner