21-1547





No.

In the

Supreme Court of the United States

CHRIS C. STREETER
PETITIONER

v.

CHIEF JUSTICE PROBATED AND FAMILY COURT
RESPONDENT

PETITION FOR A WRIT OF CERTIORARI TO MASSACHUSETTS SUPREME JUDICIAL COURT

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If the Petitioner's 14th Amendment right to due process and equal protection under the law are violated by the delays in issuing rulings as justice delayed is justice denied.

If a judge can put their finger on the scales of justice by delaying rulings as delays adversely affect the litigant seeking relief.

If there is a need for a means of monitoring the period of time it takes a judge to issue a ruling in a civil case.

If the Massachusetts Supreme Judicial Court errored in not using its powers under G. L. c. 211, § 3 to address the six outstanding motions filed in the Probate Court in 2019 that are preventing due process from proceeding as there are no other identified remedies.

LIST OF PROCEEDINGS

*Streeter v. Chief Justice of Probate Court,* No. 2022-1093

Massachusetts Supreme Judicial Court Single-Justice

Judgment Entered: April 29, 2022

*Streeter v. Chief Justice of Probate Court,* No. SJC 13186

Massachusetts Full Supreme Judicial Court

Judgment Entered: March 9, 2022

*Streeter v. Chief Justice of Probate Court,* No. 2022-1093

Massachusetts Supreme Judicial Court Single-Justice

Judgment Entered: Sept 9, 2021

*Streeter v. Judge Donnelly,* No. 2018-0444

Massachusetts Supreme Judicial Court Single Justice

Judgment Entered: November 11, 2019

*Streeter v. Streeter*, No. MI01D0619DV

Cambridge Probate Court

Memorandum of Decision and Order Dismissing with Prejudice

the Motions to Vacate and Correct the Divorce Judgment

Judgment Entered: March 25, 2019

*Streeter v. Streeter*, No. MI01D0619DV

Cambridge Probate Court

Judgment Entered: February 6, 2006

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CASES

**STATUTES**



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.



Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible at the trial if the

information sought appears reasonably calculated to lead to the discovery of admissible evidence.



(a) Corrections Based on Clerical Mistakes; Oversights and Omissions. The Court may correct a clerical mistake or mistake arising from oversight or omission whenever one is found in a judgment, order, or arising from other part of the record. The court by do so on motion or on its own, with or without notice. But after an appeal has been docketed in the appellate court and while it is pending, such a mistake may be corrected only with the appellate court's leave.

(b) Grounds For Relief From a Final Judgment, Order, or Proceeding. On motion and just terms, the court may relieve a party or its legal representatives from a final judgment, order, or proceeding for the following reasons:

(1) mistake, inadvertence, surprise or excusable neglect;

(2) newly discovered evidence that, with reasonable diligence could not have been discovered in time to move for a new trial under Rule 59(b);

(3) fraud (whether previously called intrinsic or extrinsic), misrepresentations or misconduct by an opposing party;

(4) the judgment is void;

(5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated, or applying it prospectively is no longer equitable; or

(6) any other reason that justifies relief

(c) Timing and Effect of the Motion

(1) Timing. A motion under Rule 60(b) must be made within a reasonable time—for reasons (1), (2), and (3) no more than a year after the entry of a judgment or order or the date of the proceeding.

(2) Effect on Finality. The motion does not affect the judgment's finality or suspend its operation.

(d)) Other Powers to Grant Relief. This rule does not limit a court's power to:

(1) entertain an independent action to relieve a party from a judgment, order, or proceeding; grant relief under 28 U.S.C. §1655 to a defendant who was not personally notified of the action; or set aside a judgment for fraud on the court

**MASSACHUSETTS JUDICIAL CODE OF CONDUCT**

**The Code of Judicial Conduct, Supreme Judicial Court Rule 3:09**

Relevant Sections

Section 3. The supreme judicial court shall have general superintendence of all courts of inferior jurisdiction to correct and prevent errors and abuses therein if no other remedy is expressly provided; and it may issue all writs and processes to such courts and to corporations and individuals which may be necessary to the furtherance of justice and to the regular execution of the laws.

In addition to the foregoing, the justices of the supreme judicial court shall also have general superintendence of the administration of all courts of inferior jurisdiction, including, without limitation, the prompt hearing and disposition of matters pending therein, and the functions set forth in section 3C; and it may issue such writs, summonses and other processes and such orders, directions and rules as may be necessary or desirable for the furtherance of justice, the regular execution of the laws, the improvement of the administration of such courts, and the securing of their proper and efficient administration; provided, however, that general superintendence shall not include the authority to supersede any general or special law unless the supreme judicial court, acting under its original or appellate

jurisdiction finds such law to be unconstitutional in any case or controversy. Nothing herein contained shall affect existing law governing the selection of officers of the courts, or limit the existing authority of the officers thereof to appoint administrative personnel.

TABLE OF CONTNETS

**ARGUMENT**

APPENDIX

References to Brief page numbers

## SUMMARY ARGUMENT

Justice delayed is justice denied. The Middlesex Probate Court has been aware of the alleged fraud against the court since 2014. On August 15, 2015, the Motions to Vacate and Correct the Divorce Judgment in (MI01D0619DV) were filed on August 15, 2015. On March 25, 2019, the Honorable, Judge Edward F. Donnelly issued the Memorandum of Decision and Order that dismissed with prejudice the August 15, 2015 Motions to Vacate and Correct the Divorce Judgment without a hearing. This resulted in six-motions filed by the Petitioner and her ex-Husband Mr. Frank S. Streeter, II in 2019. In 2021, the Petitioner filed a petition for relief under M. G. L. c. 211, § 3 due to over 20 outstanding rulings, including the six motions preventing due process from proceeding in MI01D619DV. The delay in issuing rulings if they are issued at all is biased against the litigant seeking relief in a manner that violates the 14th Amendment: *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.*

The Supreme Judicial Court errored in not using its powers under M. G. L. c. 211, § 3: *The supreme judicial court shall have general superintendence of all courts of inferior jurisdiction to correct and prevent errors and abuses therein if no other remedy is expressly provided; and it may issue all writs and processes to such*

*courts and to corporations and individuals which may be necessary to the furtherance of justice and to the regular execution of the laws.* The Petitioner has been waiting for four years for rulings on these six-outstanding rulings. Due process has been blocked with regards to the dismissal with prejudice for four years due to the failure of the Probate Court is issue rulings. No relief is available in either the Probate or Appellate court without rulings on these motions. There is no other remedy expressly provided to address these six-motions except relief under M. G. L. c. 211, § 3.

This petition for certiorari is focused on 14th amendment rights of due process and equal protection related to delayed rulings or the lack of a ruling resulting in biased against the litigant seeking relief. Background information is provided as a foundation to understand the issues that lead to this petition. The inability to obtain rulings on motions that are preventing due process with regards to the Motions to Vacate and Correct the Divorce Judgment would allow the charge of fraud against the court to go unchallenged in a manner that is impairs the ability of the judiciary to impartially adjudicate.

**JURISDICTION**

The Petitioner is a citizen of the United States who resides at 47 Farmcrest Avenue, Lexington Massachusetts. Mr. Streeter is a citizen of the United States who resides at 135 Bull Hill Road, Lancaster, Massachusetts. The Chief Justice of the Probate Court in Massachusetts, the Honorable, Judge John Casey is the Defendant in SJC 13188, and SJ 2021-0913. The interested parties are: Ms. Mary

Ferriter and Mr. Norman Jacobs of Esdaile, Barrett, Jacobs and Mone, Ms. Brenda Diana of Ropes and Gray, and Mr. Davis Dassori (retired) of Choate, Hall and Stewart[1] who are (were) attorneys who work at the respective Boston, Massachusetts law firms. The Streeter v. Streeter Divorce (MI 01D0619DV) was heard in the Cambridge Probate Court, in Middlesex County, Massachusetts. The request for a hearing with the Full Supreme Court of Massachusetts, the state's highest court, was denied on March 8, 2022 (SJC18195). The 90-day period to file a writ of certiorari ends on June 6, 2022. This writ for certiorari did not come to the Supreme Court of the United States through the Appellate Court as the inability to obtain rulings on the six-identified motions is preventing both a correction under Rule 52 and 59 in the Probate Court or an appeal.

**SUMMARY OF THE CASE**

This case focuses on six-outstanding motions filed in 2019 in response to the Memorandum of Decision and Order that dismissed with prejudice the August 15, 2016 Motions to Vacate and Correct the Divorce Judgment due to the charge of fraud against the court under Civ. R. P. 60 (b)(6) and (d). The failure of the Probate Court to issue timely rulings were brought to the attention of the Supreme Judicial Court under M. G. L. c. 211, § 3 in 2018 and 2021 (SJ 2018-0444, SJ2021-0193). On

[1] Mr Davis Dassori was the executor of Nathaniel T. Dexter's estate and the trustee of the Nathaniel T. Dexter Fine Arts Trust. Mr. Dassori is listed as a defendant in the Motions to Vacate and Correct the Divorce Judgment in Streeter v. Streeter due to the allegation that he mislead the court as to the value of Mr. Frank Streeter's inheritance from his uncle, Nathaniel Dexter. Ms. Andree Saulnier, Esq., of Choate, Hall and Stewart will represent Mr. Dassori and Choate, Hall and Stewart. She will also take the place of John Doe 1, the second trustee of the Fine Arts Trust, as listed on the Motions to Vacate and Correct the Divorce Judgment. John Doe II is the trustee for the Kaufman Trust, for whom Mr. Streeter has never provided any contact information.

September 7, 2019, the Supreme Judicial Court Single-Justice issued a ruling that referred matters to the Probate Court or appeal. To date, the Probate Court has taken no action to address the outstanding motions, such that due process cannot proceed in the Probate or Appellate Court with regards to the dismissal with prejudice. The Supreme Judicial Court errored in not using its powers under M. G. L. c. 211, § 3 to provide relief as there are no other expressly provided remedy.

**WHEN 14TH AMENDMENT RIGHTS WERE RAISED**

The Petitioner raised her 14th Amendment rights in her September 23, 2019 Motion to the Probate Court (MI01D0619DV) and in her 2018 and 2021 petitions under M. G. L. c. 211, § 3 to the Supreme Judicial Court Single Justice (SJ 2019-0444, SJ 2021-0193) and the Full Supreme Judicial Court (SJC 13186).

**STANDARD OF REVIEW**

Based on the Divorce Nisi and Judgment, there is no of evidence that Divorce Trial Judge could recall anything about the Streeter v. Streeter divorce independently. Accordingly, the usual broad discretion given to a trial judge should be withheld. Judge Donnelly's rulings depended on the Divorce Nisi and Judgment, such that his rulings would not be final if they were based on a judgment obtained by fraud. As discussed below actions of the 5 judges involved in MI01D0619DV have avoided addressing the charge of fraud against the court from 2015 to 2022 by actions that have violated the Petitioner's 14th Amendment rights. Wherefore the Supreme Judicial Court's denial of relief under M. G. L. c. 211, § 3 should be

reviewed de novo as the usual means to have issues addressed through the Probate Court and appeal are not available and no other specifically identified means of relief have been identified.

## STATEMENT OF THE CASE

### INITIAL LITIGANTS AND JUDGES

One of the Defendants, Mr. Streeter, and the Petitioner, Dr. Streeter, were married on June 13, 1993 and divorced on February 6, 2006. They have two children, Nathaniel T. Streeter (born December 18, 1994) and Lillian (Lilly) C. Streeter (born March 11, 1997). Lilly is a vulnerable individual who cannot work to support herself. The parents were appointed co-guardians in 2018. The Honorable, Judge William F. McSweeny issued the Divorce Nisi and Judgment on February 6, 2006. The Honorable Judge Edward F. Donnelly took over MI01D0619DV from 2014 to 2019, when the case was transferred to the Honorable, Judge Jennifer Allen and then the Honorable, Judge Melanie Gargas.

### DESCRIPTION OF 1973, 1976, 1987 STREETER TRUSTS

Much of the litigation and court actions can be explained by attempts to hide Mr. Streeter using of trust assets. Mr. Streeter and his children were and are the current beneficiaries of the 1973, 1976, and 1987 Streeter Trusts (hereinafter, 'the Streeter Trusts') managed by a Ropes and Gray, Trustee, Ms. Brenda Diana, Esq,. Divorce Exhibit 87 (hereinafter, 'Exhibit 87') claims to list all of Mr. Streeter's trust distributions and repayments characterized as "loans and loan repayments" from the Streeter trusts from 1992 through 2003. Both Mr. Streeter and the Trial Judge

found that the parties' children would be the beneficiaries of the Streeter trusts valued at around $3,500,000 in 2004. Mr. Streeter's use of trust assets after 2003 dissipates assets that were to benefit his children, especially his daughter who is a vulnerable individual who cannot work to support herself. The claim of fraud against the court includes Mr. Streeter's use of trust assets after 2003.

Ms. Diana has refused to provide the Petitioner with the quarterly reports from the 1973, 1976 and 1987 Streeter trusts that the Petitioner is entitled to under the trust instruments as parent and a guardian. Ms. Diana has also refused to produce these documents under subpoena under the claim that they are privileged, when they are not. Ms. Diana's July 16, 2021 affidavit states that the 1973 trust is terminated (Superior Court Docket No. 2181CV01246, Joint Appendix). This could only be true if Ms. Diana had colluded with Mr. Streeter to provide him with over $320,000 in 1973 trust assets from 2004 to 2021, while hiding his receipt of trust assets. Mr. Streeter's receipt of $320,000 of trust principal after 2003 is consistent with the charge of fraud against the court.

**FRAUD AGAINST THE COURT BY ATTORNEYS**

On August 15, 2015, the Petitioner filed Motions to Vacate and Correct the Divorce Judgment and the Pleadings with Particularity charging fraud against the court under Civ. R. P. 60 (b)(6) and (d).

> *Rule 60. Relief from a Judgment or Order*
> *(a) Corrections Based on Clerical Mistakes; Oversight and Omissions.*
> *The court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record. The court may do so on motion or on its own,*

*with or without notice. But after an appeal has been docketed in the appellate court and while it is pending, such a mistake may be corrected only with the appellate court's leave.*

*(b) Grounds for Relief from a Final Judgment, Order, or Proceeding.*

*On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:*

*(1) mistake, inadvertence, surprise, or excusable neglect;*

*(2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);*

*(3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;*

*(4) the judgment is void;*

*(5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or*

*(6) any other reason that justifies relief.*

*(c) Timing and Effect of the Motion*

*(1)Timing. A motion under Rule 60(b) must be made within a reasonable time— and for reasons (1), (2), and (3) no more than a year after the entry of the judgment or order or the date of the proceeding.*

*(2) Effect on Finality. The motion does not affect the judgment's finality or suspend its operation.*

*(d) Other Powers to Grant Relief. This rule does not limit a court's power to:*

*a. entertain an independent action to relieve a party from a judgment, order, or proceeding; grant relief under 28 U.S.C. §1655 to a defendant who was not personally notified of the action; or set aside a judgment for fraud on the court.*

It is alleged that Mr. Streeter's attorneys had a sentient plan to mislead the Court (McSweeny, J) that included the creation of a fraudulent documents in which an attorney was involved. This plan was successful. The fraudulent documents include Exhibit 87 and Mr. Streeter's proposed findings and judgment. It is alleged that these documents are clearly erroneous and remained clearly erroneous when

they were copied by Judge McSweeny such that they should be corrected. Exhibit 87 was referred to 13 times in the Divorce Nisi and used to:

1. Remove $880,000 from the marital estate for the purposes of division due to the clearly erroneous claim that the trust loans had to be repaid by from Mr. Streeter's inheritance from his father,

2. To remove the 1973, 1976, 1987 Trust from consideration in the division of the marital estate

3. To remove the steady stream of distributions from these trusts from the calculation of child support and

4. To claim that Mr. Streeter had not and would not receive any distribution from the 1973, 1976 and 1987 Streeter trusts after 2003 such that those assets would be available for "the parties children".

The creation of a fraudulent document in which an attorney is involved meets the criteria for fraud against the court for which the perpetrators of the fraud should receive no benefit. Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238, 64 S.Ct. 997, 88 L.Ed. 1250; Rockdale Mgmt. Co. v. Shawmut Bank, N.A., 418 Mass. 596, 638 N.E.2d 29 (Massachusetts Supreme Court 1994); Munshani v. Signal Lake Venture Fund II, LP, 60 Mass. App Ct. 714, 719 (2004).

**FRAUD AGAINST THE COURT BY A JUDGE**

In March 3, 2005 Trial Transcripts, Judge McSweeny said that he did not take notes and would not remember the facts of the case for more than 30 days. He

did not issue the Divorce Nisi and Divorce Judgment until February 6, 2006, 11 months later.

In the summer of 2012, the Petitioner received the MI01D0619DV case file. Dr. Streeter is a highly trained physician with experience conducting capacity evaluations both clinically and as an expert witness. Based on the Divorce Nisi and Judgment, combined with Judge McSweeny copying clearly erroneous findings that were not consistent with trial testimony, trial exhibits, or his own trial comments and rulings, the Petitioner concluded that there was no evidence that Judge McSweeney had the capacity to function as the finder of fact or issue a judgment that was the product of his own work. The 460 findings in the Divorce Nisi are 100% copied from Mr. Streeter's proposed Findings of Fact, Conclusions of Law and Discussion. The Divorce Judgment is also copied verbatim with 7 generic changes that could have been made by a person with no knowledge of the case, but also used to claim the judgment was the product of the judge's own work.

**RULE 26: DISCOVERY DENIED**

Rule 26: Discovery (b)(1) states:

> *Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.*

It is alleged that the Streeter trust quarterly reports would document that Exhibit 87 is fraudulent and a forgery such that the criteria for fraud against the court under Civ. R. P. 60(b)(d) would be met and the Motions to Vacate and Correct the Divorce Judgment due to fraud against the court should have proceeded to a trial in the Probate Court in 2015, when these motions were filed. Judge Donnelly, Judge Allen and Judge Gargas have all refused to allow discovery of the Streeter trust records in a manner that prevents evidence that supports the charge of fraud against from being discovered as allowed under Rule 26. The actions of the Probate Court have deprived the Petitioner of her due process rights of discovery.

**COMMITTEE FOR JUDICIAL CONDUCT**

The Committee for Judicial Conduct's mission statement states: To promote the rule of law and foster public trust by leading an independent judiciary that assures every person equal access to the fair, timely, and impartial resolution of disputes in courts managed with efficiency and professionalism.

In April 2007, Petitioner filed the first of multiple complaints with the Committee for Judicial Conduct regarding the Judge McSweeny, the Trial Judge (Complaint No. 2007-33). The Committee for Judicial Conduct responded stating the 2007 complaint was not specific enough and took no action; the complaint was 24 pages with references to over 18 attached appendices. In January 2011, the Petition provided four letters from individuals who had appeared before Judge McSweeny describing gender bias. The Committee for Judicial Conduct took no action. In 2013, the Committee for Judicial Conduct sent a letter stating that they

would only investigate complaints such as fraud. The Petition responded that was exactly what she was alleging, resulted in an inquire with a new complaint number (Complaint No. 2013-50). In 2014, the Committee for Judicial Conduct stated that the 2013 complaint was filed too late for them to act, while ignoring that the Petitioner' initial 2007 complaint that was timely.

In 2020, the Petitioner filed a complaint with the Committee for Judicial Conduct concerning the actions of Judge Edward F. Donnelly. She received a letter that Edward Donnelly was "no longer with us". She provided the obituary for Edward F. Donnelly, the father of Judge Edward F. Donnelly, Jr. and stated Judge Donnelly was alive and hearing cases in the Lowell Probate Court, in Lowell, Massachusetts. No reply has been received. In 2008, the Office of the Bar Counsel was informed regarding Ms. Ferriter, Mr. Jacobs and Mr. Dassori conduct during the divorce trial and appeal. The Petitioner received a letter that they could not be helpful. The lack of response to these complaints by institutions that are supposed to monitor the judicial system is concerning.

**FAILURE TO COMPLY WITH JUDICIAL CODE OF CONDUCT RULES 2.12 AND 2.15**

Around 2014, Judge Donnelly became Chief Justice of the Cambridge Probate Court and Judge McSweeny's supervisor. As a supervisor Judge Donnelly was required to comply with the following sections of the Judicial Code of Conduct in which the word shall is used:

*Rule 2.12 Supervisory Duties*

*Rule 2.12 (A): A judge shall require court personnel and others subject to the judge's direction and control to act in a manner consistent with the judge's obligations under this Code.*
*Rule 2.12 (B): A judge with supervisory authority for the performance of other judges shall take reasonable measures to ensure that those judges properly discharge their judicial responsibilities, including the prompt disposition of matters before them.*
*Rule 2.15 Responding to Judicial and Lawyer Misconduct*
*Rule 2.15 (A): A judge having knowledge that another judge has committed a violation of this Code that raises a substantial question regarding the judge's honesty, integrity, trustworthiness, or fitness as a judge in other respects shall inform. The Chief Justice of the Supreme Judicial Court, the Chief Justice of the court on which the judge sits, and if the judge is a Trial Court judge, the Chief Justice of the Trial Court.*

There is no evidence Judge Donnelly took any actions with regards to reporting the behavior of either Judge McSweeny or the Defendants who are attorneys. However, Judge Donnelly did not return MI01D0619DV to Judge McSweeny in 2014 but took over the case and then not to return MI01D0619DV to Judge McSweeny when he retired, but had it assigned to another judge.

**FILING MOTIONS TO VACATE AND CORRECT AND FIRST M. G. L. c. 211, § 3**

On August 15, 2015, the Petitioner filed Motions to Vacate and Correct the Divorce Judgment and the Pleadings with Particularity charging fraud against the court under Civ. R. P. 60 (b)(6) and (d). On October 2, 2018, the Petitioner filed the first of two petitions for relief under M. G. L. c. 211, § 3 due to over 200 documents filed with the Court (Donnelly, J.) but not docketed and multiple outstanding rulings. Judge Donnelly did not docket or issue rulings on the Motions to Vacate and Correct until after the first M. G. L. c. 211, § 3 was filed. Requests for the Pleadings with Particularity to be docketed were made in 2015, 2016, 2018, 2019 and 2021, as this document would be essential to a successful appeal regarding the

charge of fraud against the court. The Pleadings with Particularity was not filed until 2021, after the second M. G. L. c. 211, § 3 was filed, and Judge Donnelly had retired.

**MARCH 25, 2019 DISMISSAL WITH PREJUDICE**

On March 25, 2019, Judge Donnelly issued the Memorandum of Decision and Order that dismissed with prejudice the Motions to Vacate and Correct the Divorce Judgment, 4 years after the motions were filed and days before his retirement. Only after the dismissal with prejudice was docketed, were the 10 other March 25, 2019 writs docketed. These writs had been pending for years that depended on the finality of the Divorce Judgment. Judge Donnelly claimed the dismissal with prejudice was justified for three reasons.

One: The Petitioner had failed to meet her burden of showing that any fraud occurred. Judge Donnelly's failed to docket the Pleadings with Particularity when requested in 2015, 2016, 2018 and 2019; this document was not docketed until 2021 after Judge Donnelly retired. The Pleadings with Particularity is a 198-page document that discusses how 105 Divorce Nisi Findings are clearly erroneous with references to divorce trial transcripts and exhibits. The Memorandum and Decision contains no specific references as to why the Pleadings with Particularity are not sufficient to sustain the Petitioner's claimed relief. By not docketing the Pleadings with Particularly and withholding his rulings for years, Judge Donnelly deprived the Petitioner of her right to appeal the dismissal with prejudice before other rulings were made that depended on a judgment claimed to be based on fraud and

therefore not final. By not docketing the Pleadings with Particularity, Judge Donnelly prevented higher courts from reviewing this document as part of the appeal process.

Two, Judge Donnelly claimed the motions were time barred under Civ. R. P. 60 (b)(3) which has a one-year statute of limitations. However, the Petitioner did not claim fraud under Civ. R. P. 60 (b)(3), but fraud under Civ. R. P. 60 (b)(6) and (d). While there is discussion as to whether there is a one-year statute of limitations with regards to 60 (b)(6), there is no statute of limitations with regards to 60 (d).

Three, Judge Donnelly claimed he had not been given a copy of Mr. Streeter's proposed findings. Mr. Streeter's proposed findings were attached to "Plaintiff's Motion for Equity Action Regarding the Defendant's Equity in the 47 Farmcrest Property (MI08E0050, MI01D0619DV) that the Judge Donnelly denied on March 25, 2019. [2]

The Motions to Vacate and Correct were in part dismissed under Judge Donnelly's the claim that the Petitioner had failed to state a case on which relief could be granted by referencing the Pleading with Particularity as insufficient and ignoring issues related to the Streeter Trust. However, the Court must accept as true all well-pleaded facts, analyze those facts in the light most hospitable to the plaintiff's theory, and draw all reasonable inferences from those facts in favor of the plaintiff. Harihar v. U.S. Bank Nat'l Ass'n, No. 15-CV-11880-ADB, 2017 WL

[2] The Supreme Judicial Court listed the failure to provide a bound Appendix in support of the denial. The Petitioner was told by the Full Supreme Judicial Court Clerk to submit the documents for the Appendix electronically and she would be told if she needed to provide bound copies of the Appendix. The denial came before she had been informed to submit copies of the bound Appendix.

1227924, at *15 (D. Mass. Mar. 31, 2017) citing United States ex rel. Hutcheson v. Blackstone Med., Inc., 647 F.3d 377, 383 (1st Cir. 2011).

From 2015 to 2019, Judge Donnelly never held a hearing in which the Petitioner was allowed to plead the facts on the Motions to Vacate and Correct. Judge Donnelly denied the Petitioner's due process rights under Rule 26: Discovery with regards to the Streeter Trust documents and ignored evidence relating to Mr. Streeter's receipt of trust assets. The Pleadings with Particularity and the identification of the Streeter Trust documents result in factual allegations that raise relief to above the speculative level. Bell Atlantic Corp. v. Twombly, 550 US (2007). Accordingly, the requirements for dismissal with prejudice were not met with regards to the Motions to Vacate and Correct.

**THE SIX-OUTSTANDING MOTIONS THAT ARE BLOCKING DUE PROCESS**

Since 2019, the six-outstanding motions filed in response to the March 25, 2019 dismissal with prejudice of the Motions to Vacate and Correct the Divorce Judgment have prevented due process from proceeding.

Motion One: On April 9, 2019, the Petitioner filed a Motion to Correct and Amend Under Rules 52 and 59 the March 25, 2019 Memorandum of Decision and Order that resulted in the dismissal with prejudice of the Motions to Vacate and Correct (MI01D0619DV, #421).

Motion Two: On April 20, 2019, Mr. Streeter filed a Motion to Strike claiming the Motion to Correct and Amend was filed one day late (MI 01D0619DV, #441).

Motion Three: On April 29, 2019, the Petitioner filed a motion asking for permission to file late if the Motion to Correct was late (MI01D0619DV, #426), and three Notices of Appeal to protect her rights if the Motion to Correct was struck. The Probate Clerk in charge of submitting the appellate packet checked the date the rulings were docketed, accepted the Notices of Appeal as timely.

Motion Four: On May 6, 2019, the Petitioner filed a motion for permission to the Notices of Appeal late if they were found to be late (MI01D0619DV, #427).

Motion Five: On August 30, 2019, Mr. Streeter filed an opposition to the Notices of Appeal claiming that they were filed one day late (MI01D0619DV, #446).

Motion Six: Mr. Streeter's Motion to Strike the Notice of Appeal was docketed October 24, 2019, (MI01D0619DV, #447).

In August 2019, Judge Allen was assigned MI01D0619DV. Judge Allen ascended to the bench one month before Judge Donnelly retired after being the Chief Justice of the Probate Court for many years. Judge Allen had three options: (1) she could overturn rulings of the ex-Chief Justice in a case that she had no prior involvement, (2) she could uphold Judge Donnelly's rulings and ignore any evidence that they were erroneous, or (3) she could be nothing. The 20 motions assigned to her on which no rulings were made suggests she chose to do nothing. The six-outstanding motions listed above are part of the 20 outstanding motions.

**2019 SUPREME JUDICAL COURT RULING RE: OUTSTANDING ISSUES**

On November 11, 2019, the Supreme Judicial Court Single-Justice issued a ruling declining to intercede stating, "These matters should be addressed in the

first instance in the Probate Court, and thereafter, if necessary, on appeal in the normal course." The Probate Court has known since 2019 of the need for rulings on the six-outstanding motions but has taken no action.

**MOTION TO STRIKE AND SECOND M. G. L. c. 211, § 3**

In April 2021, Mr. Streeter filed a motion for Judge Gargas to strike the Notices of Appeal as untimely; the Petitioner objected as Judge Gargas has not been assigned to MI01D016DV and did not have jurisdiction. After the April 2021 hearing, the Petitioner filed the second M. G. L. c. 211, § 3 (SJ 2021-0193) naming the Honorable Judge John Casey, Chief Justice of the Probate Court, as the Defendant. Judge Allen had left over 20 motions assigned to her without rulings prior to being transferred to another jurisdiction and her cases had not been assigned to another judge such that the outstanding issues could not be addressed, including the six-outstanding motions that were preventing due process in MI01D0619DV. After the Second M. G. L. c. 211, § 3 was filed, Judge Gargas was assigned to MI01D0619DV. However, she has made no rulings regarding the six-outstanding motions or any of the other outstanding rulings, on cases assigned to her.

**SEPTEMBER 7, 2021 DISMISSAL AND MARCH 8, 2022 DENIAL**

On September 2, 2021, the Assistant Attorney General despite no actions to address the six-outstanding motions that were preventing due process, claimed the usual means were available, such that it was not necessary for the Supreme Judicial Court to use its powers under M. G. L. c. 211, § 3. On September 7, 2021,

the Supreme Judicial Court Single-Justice dismissed SJ 2021-0193. The Petitioner petitioned for and was granted a hearing with the Full Supreme Judicial Court which was granted (SJC 13186). On March 8, 2022, the Full Supreme Judicial Court denied the request for a hearing. On April 29, 2012, the Single-Justice issues a ruling adjudicating MI01D0619 stating, "The Rescript Opinion that was entered in the Full Court in SJC-13186 on March 8, 2022, it is ORDERED AND ADJUDGED that the following entry be, and the same hereby is made: "Judgment affirmed." This ruling was interpreted by the Middlesex Probate Clerks that MI01D0619 was closed such nothing could be filed into this case and cancelled the May 2021 Motion for a Status Hearing with Judge Gargas to address the six-outstanding motions preventing due process. This situation provides no means for the outstanding motions to be addressed, as the Supreme Court has declined to use its powers. This led to the petition for a writ of certiorari with the Supreme Court of the United States on June 6, 2022 to address the violation of the Petitioner's 14th Amendment rights.

## ARGUMENT

### JUSTICE DELAYED IS JUSTICE DENIED

The right to a speedy trial is assured in criminal cases under the 5th Amendment; there is no such assurance in civil cases. While there is no specific time period in which a judge must issue a ruling, according to the Massachusetts Judicial Code of Conduct Rules listed below, there is the expectation when a motion is assigned to a judge the rulings will be timely.

*Rule 1.1 Compliance with the Law: A judge **shall** comply with the law, including the Code of Judicial Conduct.*
*Rule 2.1 Giving Precedence to the Duties of Judicial Office: A judge **shall** perform the duties of judicial office impartially, competently and diligently.*
*Rule 2.2 Impartiality and Fairness: A judge **shall** uphold and apply the law and shall perform all duties of judicial office fairly and impartially.*
*Rule 2.3 Bias, Prejudice, and Harassment: A judge **shall** perform the duties of judicial office, including administrative duties, without bias, prejudice, or harassment.*
*Rule 2.6 Ensuring the Right to be Heard: Timely disposition of the court's business requires a judge to devote adequate time to judicial duties... The right to be heard is an essential component of a fair and impartial system of justice.*
*Rule 2.7 Responsibility to Decide: A judge **shall** hear and decide matters assigned to the judge, except when disqualification is required by Rule 2.11 or other law.*

At some point, delayed rulings cease to be a manifestation of judicial discretion and can become a violation of the judicial code of conduct. Delays in issuing rulings or not issuing rulings at all can be used to put a finger on the balance of justice, in a manner that is biased against litigants seeking relief, or if one litigant benefits from the facts in evidence but the trial judge forgets the facts over time. In this case the delays in addressing their duties under the Judicial Code of Conduct, five judges, Judge McSweeny, Judge Donnelly, Judge Allen, Judge Gargas and Judge Casey, have deprived the Petitioner of her 14th Amendment rights. The current issue before this Court is the need for rulings on six outstanding motions in Streeter v. Streeter (MI01D0619) and the request for the Supreme Judicial Court to use its powers under M. G. L. c. 211, § 3 to provide relief.

**DUE PROCESS VIOLATED BY JUDICIAL ACTION AND INACTION**

Based on the Divorce Nisi and Divorce Judgment, Judge McSweeny could not independently recall any facts of the case, such that he could not function as the finder of fact and used Mr. Streeter's proposed findings as a crutch in a manner not allowed. Lansford-Coaldale Joint Water Auth. v. Tonolli Corp., 4 F.3d 1209, 1215-16 (3d Cir. 1993) Nor could the Judge McSweeny determine if the findings that he chose to copy were consistent with trial testimony, trial exhibits or his own rulings and comments. The findings that he copied were clearly erroneous, such that the usual broad discretion afforded a trial judge is not appropriate in this case (cite broad discretion).

"[E]ven when the trial judge adopts the findings verbatim, the findings are those of the court and may be reversed only if clearly erroneous." Anderson v. Bessemer City, N.C., 470 U.S. 564, 572 (1985). The Pleadings with Particularity and the available Streeter Trust records support that Petitioner's claim that the trial judge copied clearly erroneous findings that must be corrected. The Divorce Nisi and Judgment do not meet the following criteria:

> "Judicial opinions are the core work-product of judges. They are much more than findings of fact and conclusions of law; they constitute the logical and analytical explanations of why a judge arrived at a specific decision. They are tangible proof to the litigants that the judge actively wrestled with their claims and arguments and made a scholarly decision based on his or her own reason and logic. When a court adopts a party's proposed opinion as its own [verbatim, in its entirety], the court vitiates the vital purposes served by judicial opinions". Bright v. Westmoreland County, 380 F.3d 729 (3d Cir. 2004).

The Assistant Attorney General's April 4, 2019 Opposition claim that the Judge McSweeny "mostly copied" the findings is misleading, as mostly copied is

legal, where copying 100% verbatim with no evidence that the judge could function as the finder of fact to determine which proposed findings were clearly erroneous is not allowed.

"It is thus fraud where the court or a member is corrupted or influenced or influence is attempted or where the judge has not performed his judicial function — thus where the impartial functions of the court have been directly corrupted" Bulloch v. United States, 763 F.2d 1115, 1121 (10th Cir. 1985). Accordingly, the charge of fraud against the court is met by the creation of a fraudulent document in which an attorney is involved, the failure of the judge to perform his judicial function. The fraud against the court effects more than the litigants, in this case the ability of the judicial system to self-monitor and impartially adjudicate has spanned 16 years, from 2006 to 2022 and involved five judges.

The failure of Judge Donnelly to issue a ruling for 4 years regarding the Motions to Vacate and Correct the Divorce Judgment, while preventing the discovery of information that would have supported the Petitioner's claim of fraud against the court and not docketing the Pleadings with Particularity such that his rulings could be successfully appealed. He did not issue rulings from 2015 to 2019 that depended on the finality of the Divorce Judgment as he would have first needed to address the charge of fraud against the court that could have resulted in the Divorce Judgment needing to be vacated due to fraud. To avoid having to correct rulings based on a judgment obtained by fraud, His dismissed with prejudice of the Motions to Vacate and Correct on March 25, 2019 allowed him to avoid a trial to

address the charge of fraud against the court, the correction of the Divorce Judgment and any rulings that relied on the Divorce Judgment and the ability to issue 10 writs that had been outstanding for years days before his retirement. The dismissal with prejudice would have been difficult to successfully appeal if the Pleadings with Particularity had not been docketed in 2021.

Judge Donnelly knew or should have known that by issuing so many rulings just prior to this retirement, that he would make it difficult for the rulings to be corrected or appealed. This is consistent with Judge Allen not addressing 20 motions assigned to her, many directly related to the March 25, 2019 rulings

Although Judge Allen, Judge Gargas and Judge Carney have all been informed of the six-outstanding rulings that are preventing due process. They have taken no action.

**WISH TO RETRY CASE**

It is expected that the Defendants will attempt to characterize the Petitioner as not being happy with the Divorce Judgment and wanting to retry the divorce. This is partially true, the Petitioner is not happy with a Divorce Nisi or Divorce Judgment based on fraud against the court. The Petitioner does not want to retry the case. She wants the Divorce Nisi and Divorce Judgment to be corrected such that the Defendants receive no benefit from the fraud against the court they committed consistent with case law. Hazel-Atlas Glass Co. v. Hartford-Empire Co., (Ibid) ; Rockdale Mgmt. Co. v. Shawmut Bank, (Ibid); Munshani v. Signal Lake Venture Fund II, LP, (Ibid).

## CLARIFICATION OF REQUEST AND COVID

It is acknowledged that the Petitioner's concern for addressing outstanding issues related to MI01D0619DV and related cases MI08E0050, MI15P0439GC, MI18E0103GC, MI19E0036QC resulted in a long list of issues without a clear request. This writ for a petition of certiorari has focused on the 14th Amendment issues related to the six-outstanding rulings in the Streeter v. Streeter divorce (MI01D0619DV) that are preventing due process for which no other relief is available except through M. G. L. c. 211, § 3.

Delays in issuing rulings could be ascribed to the COVID-19 pandemic and the closure of the courts. However, the delays in addressing the Motions to Vacate and Correct started in 2015 and have continued for over a year since the hearing with Judge Gargas in April 2021. In addition, the court closure provided an opportunity for Judge Allen to address outstanding issues. The delays could also be explained by the reassignment of MI01D0619DV after Judge Donnelly retired. It is argued that Judge Donnelly knew or should have known that withholding 11 writs until days before his retirement would delay having issues related to his March 25, 2019 rulings addressed and supports the conclusion that the delays are part of a cover-up to prevent the charges of fraud against the court from being addressed.

## REASONS FOR NOT PROVIDING RELIEF UNDER M. G. L. c. 211, § 3

The Assistant Attorney General opposed the petition for relief claiming "Where a petitioner can raise his claims in the normal course of trial or appeal

relief will be denied (quoting Foley v. Lowell Div of the Cis court Dep't. 398 Mass. 800, 802 (1986). The March 8, 2019 denial gives a similar reason for denial "Relief under G. L. c. 211, § 3, 'is extraordinary and will be exercised only in the most exceptional circumstances.' Accordingly, we review the single justice's decision for abuse of discretion or clear error of law." Perrier v. Commonwealth, 489 Mass. 28, 30 (2022), quoting Matthews v. Appeals Court, 444 Mass. 1007, 1008 (2005).

G. L. c. 211, § 3 should be used "if no other remedy is expressly provided". It is easy for the Attorney General and the Supreme Judicial Court to claim that other means are available, but not identify what those means are. There is no other means available other than relief under G. L. c. 211, § 3. As listed below, both the Petitions and Mr. Streeter have tried for four year to have these six-outstanding motions addressed with no results.

1.In August 2019, Judge Allen was assigned to MI01D0619DV but did not address these motions before being assigned to another jurisdiction

2. No judge was assigned to replace Judge Allen

3.In November 2019 the Supreme Judicial Court issued a ruling referring matters to the Probate Court or appeal. No action was taken by the Probate Court.

4. In April 2021, Mr. Streeter attempted to have Judge Gargas who was not assigned to MI01D0619DV to strike the Notices of Appeal as being untimely. The Petitioner opposed this action as Judge Gargas did not have

jurisdiction.

5. May 2021, the Petitioner listed the Chief Justice of the Probate Court as the Defendant in the second M. G. L. c. 211, § 3 after which Judge Gargas was assigned to MI01D0619DV but took no action.

6. In response to the April 29, 2022 Adjudication, the Middlesex Probate Court Clerk's Office considers MI01D0619DV closed and cancelled a May 2022 Status Hearing to address the six-outstanding motions.

Accordingly, there is no path to have the six-outstanding motions addressed such that due process can proceed except for the Supreme Judicial Court to use its powers under M. G. L. c. 211, § 3.

The second reason for denying relief was the Supreme Judicial Court claim that the Petition had not informed the Chief Justice of the Trial Court. While this is true, the Petitioner listed the Chief Justise of the Probate Court, as the Defendant on the second M. G. L. c. 211, § 3. Both Chief Justices have the same supervisory responsibilities under the Judicial Code of Conduct:

> *Rule 2.12 Supervisory Duties*
> *Rule 2.12 (A): A judge **shall** require court personnel and others subject to the judge's direction and control to act in a manner consistent with the judge's obligations under this Code.*
> *Rule 2.12 (B): A judge with supervisory authority for the performance of other judges **shall** take reasonable measures to ensure that those judges properly discharge their judicial responsibilities, including the prompt disposition of matters before them.*

Accordingly, both Chief Justices have the same power to oversee the sections of the Judicial Code previously provided (Rule 2.1, 2.2, 2.3, 2.6, and 2.7) that would

if enforced result in the six-outstanding motions being addressed. In addition, the Chief Justice of the Probate Court has the ability to oversee the assignment of cases. There could be no trial if MI01D0619DV was not assigned to a judge. Due to the 90-day time requirements for filing a writ for certiorari, the Petitioner has proceeded with this process and for completeness sent a copy of the writ to the Chief Justice of the Trial Court such that all identified remedies have been addressed.

**FAILURE TO INFORM INTERESTED PARTIES**

In response to the March 9, 2022, Supreme Judicial Court ruling in footnote 2, it is acknowledged that the Petitioner errored by not informing the interested parties of the M. G. L. c. 211, § 3 filings that addressed the pattern of the Probate Court not docketing documents filed with the court and not issuing rulings in a timely manner. As the Full Supreme Judicial Court and the Supreme Judicial Court Single-Justice denied the petitions for relief, the interested parties were not harmed by this error. They have been listed as interested parties in this petition.

**FAILURE TO PROTECT A VULNERABLE INDIVIDUAL**

The daughter of the Petitioner and Mr. Streeter is a vulnerable individual who requires a guardian and cannot work to support herself. She is a current beneficiary of the 1973, 1976 and 1987 Streeter Trusts. In 2004, Mr. Streeter claimed in his proposed findings which were copied verbatim by the Trial Judge that the parties children, not him, would benefit from the Streeter Trusts, as he had not since 2003 and would not in the future received distribution of principal from the Streeter Trusts. If the six-outstanding motions are not addressed, the

daughter's long-term financial security will be threatened. By not issuing rulings regarding the charges of fraud against the court, Mr. Streeter continues to benefit from the alleged fraud against the court.

**EQUAL PROTECTION CLAUSE**

For violation of Equal Protection Clause "[a] purpose to discriminate must be present" Washington v. Davis 426 U.S. 229, 239 (1976) quoting Akins v. Texas, 325, U.S. 398, 403 (1945). In this case the reasons to discriminate are identifiable at multiple levels. Mr. Streeter's attorneys goal of obtaining assets for Mr. Streeter that he would not have been entitled to under the law, provides a privilege to Mr. Streeter by discriminating against the Petitioner. As documented in the January 11, 2103 letters to the Committee for Judicial Conduct, the Trial Judge is alleged to tends to favor male litigants., This bias could explain why Judge McSweeny chose to copy Mr. Streeter's proposed findings. While it cannot be known what Judge Donnelly was thinking, his actions are consistent with the following biased motivations that discriminate against the Petitioner 1) a wish to avoid having to correct motions that depended on the finality of the Divorce Judgment, 2) a wish to be able to file multiple outstanding rulings on March 25, 2019 days before his retirement, 3) a wish to avoid having his rulings corrected or appealed, 4) a wish to protect a colleague, 5) a wish to protect the prestige of the Probate Court, 6) a wish to have his failure to report either Judge McSweeny or the trial attorneys in 2014 due to the Committee for Judicial Conduct investigation. The inaction of Judges Allen, Casey and Gargas could be explained by the desire to avoid issuing rulings

that conflict with the rulings of colleagues, to protect colleagues from the consequences of not complying with the judicial code of conduct, to protect the prestige of the Probate Court and to avoid retribution or damage to their careers for orders that do not support prior rulings.

**FRAUD AGAINST THE COURT HAS IMPAIRED THE ABILITY OF THE JUDICIAL SYSTEM TO IMPARTIALLY ADJUDICATE**

The issue before this Court is whether the Petitioner's 14th Amendment rights were violated by the delays in having the six-outstanding motions addressed such that due process can proceed in MI01D0619DV in either the Probate or Appellate Courts. It is argued that the Supreme Judicial Court errored in denying relief through the use of its powers under M. G. L. c. 211, § 3 as "no other remedies are expressly provided".

Although the charge of fraud against the court and the claim that the Petitioner was deprived of her rights under the 14th Amendment are two separate issues, they are argued to be related as the failure to issue rulings in a timely manner is related to the impairment of the judicial system to impartially adjudicate in MI01D0619DV due to fraud against the court. The delays in the timely issuing of rulings in MI01D0619DV started in 2015 when the Motions to Vacate and Correct were filed. For four years, Judge Donnelly avoided issuing rulings that depended on the finality of the Divorce Judgment, as he knew or should have known that he should not issue rulings that depended on a judgment that would not be final if the charges of fraud against the court were found to be true in a Probate Court trial.

His issuing of the dismissal with prejudice on March 25, 2019 lead to the six-outstanding motion that Judge Allen did not address before being transferred to another jurisdiction. Judge Casey did not oversee MI01D0619DV being assigned to another judge until he was listed as a defendant in SJ 2021-0193, after which Judge Gargas was assigned to MI01D0619DV, but has taken no action to address the outstanding issues. Lastly the Middlesex Probate Clerk's Office considers MI01D0619DV closed so that nothing can be filed into this case. The impairment of the judiciary is further compromised by the failure of the Commission for Judicial Conduct to make a finding with regards to the Petitioner's complaint such that the Supreme Judicial Court is unaware of the alleged issues regarding the conduct of judges. The same can be said for the Office of the Bar Overseer.

In general, professionals do not like to report other professionals for bad behavior. However, the judicial systems methods of self-monitoring requires attorneys and judges to oversee the behavior of other attorneys and judges and to report bad behavior. The Massachusetts Judicial Code of Conduct uses the word, shall, in Rules that appear to have been violated. This disregard for complying with the code of conduct required of judges has allegedly resulted in the failure to report misconduct with regards to the fraud against the court and the failure to issue rulings that allow a cover-up of the alleged fraud against the court.

Accordingly, the requested petition does not simply address the needs of one litigant to have rulings issued, it represents a system of bias in the form of delayed rulings against litigants seeking relief, as justice delayed is justice denied. The

filing a second M. G. L. c. 211, § 3 that listed Judge Casey as the Defendant. The issue was again the failure of the Probate Court to issue rulings in a manner that violated the Judicial Code of Conduct. The identified six-outstanding motions have still not received rulings such that due process cannot proceed. There is concern that retribution against the Petitioner could take the form of the Probate Court without careful review of the relevant issue could simply deny the Petitioner's motions and accept Mr. Streeter's motions. This would violate equal protection under the law.

The Supreme Judicial Court-Single Justice and the Full Supreme Judicial Court errored in not recognizing that "no other remedies are expressly provided" when they declined to use its powers under M. G. L. c. 211, § 3 to address the six outstanding motions. The Petitioner has been asking the Probate Court to address the issue of fraud against the court for 8 years, the delay in addressing the six-outstanding motions is biased against the litigant seeking relief and violated her due process rights. The ability to proceed in the Probate Court is blocked by no ruling on the Motion to Correct and Amend (Motion 1) or Mr. Streeter's Motion to Strike for being one day late (Motion 2). The ability to appeal is blocked by Mr. Streeter's oppositions and motions to strike (Motions 5, and 6) under the claim that the Notices of Appeal were, like the Motion to Correct and Amend, filed one day late. If the Motion to Correct and Amend and the Notice of Appeal were filed late, the motions for permission to file late (Motions 3, and 4) require rulings. There is no justifiable reason for the four-year delay in issuing rulings on these motions.

There is no other remedy for relief except for the Supreme Judicial Court to use its powers.

**CONCLUSION**

The Petitioners 14th Amendment rights to due process and equal protection under the law were violated by the period of time between when a motion was filed and when a ruling was issued if it was issued at all. This type of delay results in bias against the litigant who is seeking relief.

The delays in issuing rulings represents bias. The judiciary cannot put a finger on the balance of justice by delaying rulings or not issuing rulings at all in a manner that favors one party over another. In civil cases were ruling have been pending for over one year, the litigant should be able to file a motion requesting the expected timing of the ruling, with copies of the motion sent to the Committee for Judicial Conduct and the Supervising Judge such that all parties will be responsible for the timely issuing of rulings.

The Supreme Judicial Court errored in not providing the Petitioner with relief under M. G. L. c. 211, § 3 with regards to the six-outstanding motions as no remedy for relief is available given the Probate Court's failure to address these issues for 4 years. The failure to obtain rulings on these motions have prevented a correction in the Probate Court or an appeal. The Petitioner is entitled to due process such that the Motions to Vacate and Correct the Divorce Judgment are afforded a trial in the Probate Court or an appeal of the dismissal with prejudice in the Appellate Court.

APPENDIX

*Streeter v. Judge Donnelly,*
No. 2018-0444
Supreme Judicial Court, Single Justice
Judgment Entered: November 11, 2019

*Streeter v. Chief Justice of Probate Court,* No. 2022-1093
Supreme Judicial Court, Single Justice
Judgment Entered: Sept 9, 2021

*Streeter v. Chief Justice of Probate Court,* No. SJC 13186
Full Supreme Judicial Court
Judgment Entered: March 9, 2022

*Streeter v. Chief Justice of Probate Court,* No. 2022-1093
Supreme Judicial Court, Single Justice
Judgment Entered: April 29, 2022

COMMONWEAL
COMMONWEALTH OF
MASSACHUSETTS

SUFFFOLK, SS

SUPREME JUDICIAL COURT
OF SUFFOLK COUNTY
NO. SJ-2018-444

Middlesex Probate Court
No. MI01D0169DVI
MI18E0103QC
MI5PIO56

CHRIS STREETER

v.

JUDGE EDWARD F.
DONNELLY

ORDER

This matter came before the Court, Kafker, J., on petitioner's motion for a stay of certain orders pending a status conference scheduled for November 18, 2019, in the Middlesex Probate and Family Court, before Judge Allen. It is noted that the petitioner assented to the scheduling of the conference on November 1, 2019.

The petitioner has requested this court to review many of the orders entered in these cases over the course of a lengthy period of litigation, with numerous filings. Generally, where relief is available through the regular appellate process, this court will not exercise its extraordinary power. There is no need to exercise the court's extraordinary power to stay a status conference.

The petitioner's filing also appears to be an attempt to transfer all of these proceedings to the Supreme Judicial Court. These matters should be addressed in the first instance in the Probate Court, and thereafter, if necessary, on appeal in the normal course.

Accordingly, the motion for stay of orders pending the status

conference scheduled for November 18, 2019, is denied.

By the Court (Kafker, J.)

/s/

SJC-13186

CHRIS C. STREETER vs. CHIEF JUSTICE OF THE PROBATE AND FAMILY COURT

March 8, 2022

Supreme Judicial Court, Superintendence of inferior courts.

Chris C. Streeter appeals from a judgment of the county court denying without a hearing, her petition for relief under G. L. c. 211 § 3. In her petition, Streeter sought relief pertaining to several cases pending in the Probate and Family Court, specifically, an order that the Chief Justice of the court assign one or more judge to address outstanding issues in those cases. We need not belabor the details of the cases; it suffices to say that Streeter has filed numerous motions that remain outstanding. Her petition was apparently intended to spur action on her motions, not to challenge any particular interlocutory ruling. [1]

"Relief under G. L. c. 211, § 3, 'is extraordinary and will be exercised only in the most exceptional circumstances.' Accordingly, we review the single justice's decision for abuse of discretion or clear error of law."Perrier v. Commonwealth, 489 Mass. 28, 30 (2022), quoting Matthews v. Appeals Court, 444 Mass. 1007, 1008 (2005).Streeter has not established anyabuse of discretion or error of law, as she has not shown any entitlement to the order thatshe seeks.

The single justice was not obligated to intercede in the Probate and Family Court's management of the protracted litigation in which Streeter has been engaged, particularly where the record does not demonstrate that she has pursued all available measures to obtain action on her motions, such as bringing the delay to the attention of the Chief Justice of theTrial Court. See, e.g., Skandha v. Clerk of the Superior Court for Civil Business in Suffolk County, 472 Mass. 1017, 1018 (2015), citing Zatsky v. Zatsky, 36 Mass. App. Ct. 7, 12 (1994); Matthews v. D'Arcy, 425 Mass. 1021, 1022 (1997)."[N]o party ...should expect this court to exercise its extraordinary power of general superintendence lightly." Randolph v. Commonwealth, 488 Mass. 1, 7(2021), quoting Aroian v. Commonwealth, 483 Mass. 1008,

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss
SUPREME JUDICIAL COURT FOR SUFFOLK COUNTY
NO: SJ-2021-0193

MIDDLESEX PROBATE COURT
NO. MIO1D0619DV (Highlighted)
MI080500, MI15P0439GD,
MI18E0103GC, MI19E0039QC

CHRIS C. STREETER

v.

JUDGE JOHN CASEY,
CHIEF JUSTICE PROBATE COURT

**JUDGEMENT AFTER RESCRIPT**

This matter came before the Court in accordance with the Rescript Opinion that was entered in the Full Court in SJC-13186 on March 8, 2022, it is ORDERED and ADJUDGED that the following entry of Judgment be, and the same hereby is, made:

"Judgment affirmed."

By the Court (Georges, Jr, J.)

/s/ Maura S. Doyle, Clerk

ENTERED: April 26, 2022

1009 (2019).Relief under
G. L. c. 211, § 3, was properly denied.2

Judgment Affirmed

The case was submitted on the papers filed, accompanied by a memorandum of law.

Chris C. Streeter, prose.

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1 Streeter has filed, in the full court, a document styled as a "petition forextraordinary relief." It is unclearwhether she intended this as a memorandum pursuant to S.J.C. Rule 2:21, as amended, 434 Mass. 1301 (2001). That rule requires a party challenging an interlocutory ruling of the trial court to "set forth the reasons why review of the trial court decision cannot adequately be obtained on appeal from any final adverse judgment in the trial court or by otheravailable means." Because it appears that Streeter is not challenging any interlocutory ruling, but seeking action on her outstanding motions, the rule does not apply.

We note as well that instead of preparing a record appendix, Streeter has submitted some ninety separate documents, mostly copies of dockets and other papers from her Probateand Family Court cases. It was incumbent on her, as the appellant, to "prepare and file an appendix to the briefs which shall be separately bound." Mass. R. A. P. 18 (a), as appearing in 481 Mass. 1637 (2019).

2 In her petition, Streeter did not "name as respondentsand make service upon all parties to the proceeding before the lower court," as required by S.J.C. Rule 2:22, 422 Mass. 1302 (1996). This presents a further reason not to disturb the denial of relief.