

APPENDIX A:  
Massachusetts Appeals Court Decision and Opinion

COMMONWEALTH OF MASSACHUSETTS

APPEALS COURT

24-P-381

SASHO STANTCHEV

vs.

BUNKER HILL COMMUNITY COLLEGE.

MEMORANDUM AND ORDER OF DISMISSAL

The plaintiff, Sasho Stantchev, appeals from a judgment issued by a Superior Court judge dismissing his tort complaint against Bunker Hill Community College, for failure to make presentment pursuant to G. L. c. 258, § 4. Because the plaintiff failed to file a timely notice of appeal, we dismiss the appeal.

Judgment entered on November 13, 2023. Because an agency of the Commonwealth was a party, the plaintiff had sixty days to file a notice of appeal. Mass. R. A. P. 4 (a) (1), as appearing in 481 Mass. 1606 (2019). The time limit can be tolled by a motion for reconsideration, "but only if . . . served within 10 days after entry of judgment." Mass. R. A. P. 4 (a) (2) (C), as appearing in 481 Mass. 1606 (2019). Here, the plaintiff served a motion to reconsider on December 21, 2023, thirty-eight days after entry of judgment and eighteen days after the plaintiff asserts that he received notice of the judgment. That motion,

therefore, did not extend the time to file a notice of appeal.

See Franchi Mgt. Co. v. Flaherty, 93 Mass. App. Ct. 418, 423 (2018).

The judge denied the motion to reconsider on January 16, 2024, and the plaintiff filed a notice of appeal on March 1, 2024. That notice mentioned only the judgment dated November 13, 2023, and not the denial of the motion to reconsider. See Mass. R. A. P. 3 (c) (1) (A) (ii), as appearing in 491 Mass. 1601 (2023) (in civil cases, notice of appeal must designate "the judgment, decree, adjudication, or separately appealable order from which the appeal is taken"); Robinson v. Boston, 71 Mass. App. Ct. 765, 771 (2008).<sup>1</sup> "A timely notice of appeal is a jurisdictional prerequisite to our authority to consider any matter on appeal." Wells Fargo Bank, N.A. v. Sutton, 103 Mass. App. Ct. 148, 152 (2023), quoting DeLucia v. Kfouri, 93 Mass. App. Ct. 166, 170 (2018). Because the notice of appeal was not timely concerning the judgment appealed, we lack jurisdiction and must dismiss the appeal.

Lest we be accused of being overly pedantic, we mention that proper presentment must be pleaded in the complaint,

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<sup>1</sup> Moreover, the plaintiff raises no issue in his brief concerning the motion to reconsider, which explained why he missed the hearing on the motion to dismiss, but otherwise mostly repeated the arguments made in his opposition to the motion to dismiss.

Rodriguez v. Somerville, 472 Mass. 1008, 1010 n.3 (2015), and that the plaintiff conceded in the Superior Court that he never made presentment of any sort to anyone "because he was not aware of this requirement" and he had not decided to make a claim until years passed. "The purpose of presentment is to 'ensure[] that the responsible public official receives notice of the claim so that the official can investigate to determine whether or not a claim is valid, preclude payment of inflated or nonmeritorious claims, settle valid claims expeditiously, and take steps to ensure that similar claims will not be brought in the future.'" Magliacane v. Gardner, 483 Mass. 842, 853 (2020), quoting Richardson v. Dailey, 424 Mass. 258, 261 (1997). The police report concerning the incident, even if it somehow reached the Attorney General, could not have allowed the Commonwealth to investigate and settle the plaintiff's claim; the plaintiff "never planned to file a claim" and decided to bring one only years later. The Supreme Judicial Court "require[s] that claimants strictly comply with the presentment requirement contained in G. L. c. 258, § 4." Drake v. Leicester, 484 Mass. 198, 201 (2020). If we had jurisdiction to

reach the matter, we would affirm the judgment.

Appeal dismissed.

By the Court (Desmond,  
Ditkoff & Englander, JJ.<sup>2</sup>),



Clerk

Entered: April 9, 2025.

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<sup>2</sup> The panelists are listed in order of seniority.

APPENDIX B: Decision of Massachusetts Superior Court

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT  
DOCKET NO. 2281cv2677

SASHO STANCHEV

v.

BUNKER HILL COMMUNITY COLLEGE

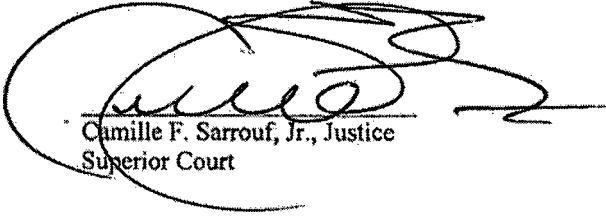
**EXPANDED ENDORSEMENT** on defendant's motion to dismiss pursuant to Rule 12(b)(6) and 12(b)(5), and for failure of plaintiff to comply with M.G.L. c. 258 §4 presentment. Defendant attacks plaintiff's failure to comply with the notice provisions of M.G.L. c. 258 §4 and seeks judgment as a matter of right/law. After review of the complaint, the motion and opposition<sup>1</sup>, M.G.L. c. 258 §4<sup>2</sup>, Rule 12 and relevant case law, the motion is **ALLOWED**.

The central issue here is one of presentment, under G.L. c. 258, §4, a tort claim against a public employer must be presented to its "executive officer," defined in G.L. c. 258, §1 as its 'nominal chief executive officer or board,' within two years after the cause of action arose. In the case of the Boston Public Health Commission, the chief executive officer for presentment purposes is its Executive Director. *See Daveiga v. Boston Public Health Commission*, 449 Mass. 434, 443 (2007) (affirming allowance of motion to dismiss for lack of presentment to Executive Director); *Ballanti v. Boston Public Health Commission*, 70 Mass. App. Ct. 401, 402 (2007) ("Presentment of claims against the [C]ommission is required to be made upon the [C]ommission's executive director"). Notice was not provided until service of the complaint – well beyond the three year period of time following the incident.

Based upon the foregoing the motion seeking dismissal as a matter of law is **ALLOWED**.

**SO ORDERED.**

Dated: November 13, 2023

  
Camille F. Sarrouf, Jr., Justice  
Superior Court

<sup>1</sup> Although the plaintiff did not appear at the hearing his opposition was reviewed, inclusive of the admission that he did not comply with presentment under G.L. c. 258, §4,

<sup>2</sup> The presentment requirement under G.L. c. 258, §4 is one the basis for defendant moving under Rule 12 (b)(5) and additionally for plaintiff's failure to serve within the 90 day period.

**APPENDIX C:**  
**Notice of Denial of FAR by Massachusetts Supreme Judicial Court**

Supreme Judicial Court for the Commonwealth of Massachusetts

Telephone

RE: Docket No. FAR-30313

**SASHO STANTCHEV**  
vs.  
**BUNKER HILL COMMUNITY COLLEGE**

Middlesex Superior Court No. 2281CV02677  
A.C. No. 2024-P-0381

**NOTICE OF DENIAL OF APPLICATION FOR FURTHER APPELLATE REVIEW**

Please take note that on July 25, 2025, the application for further appellate review was denied.

Very truly yours,  
The Clerk's Office

Dated: July 25, 2025

To: Sasho Stantchev  
Hannah B. Pappenheim, Esquire

**APPENDIX D:**  
**Notice of Denial of Motion to Reconsider FAR by Massachusetts Supreme Judicial Court**

Supreme Judicial Court for the Commonwealth of Massachusetts

RE: No. FAR-30313

**SASHO STANTCHEV**  
vs.  
**BUNKER HILL COMMUNITY COLLEGE**

**NOTICE OF DOCKET ENTRY**

Please take note that the following entry was made on the docket.

Motion to reconsider denial of FAR application filed by Sasho Stantchev.(10/16/2025  
The motion is denied).

Very truly yours,  
The Clerk's Office

Dated: October 16, 2025

To:  
Sasho Stantchev  
Hannah B. Pappenheim, Esquire

APPENDIX E:

Petitioner's Request for Further Appellate Review at the Massachusetts Supreme  
Judicial Court

REQUEST FOR LEAVE TO OBTAIN FURTHER APPELLATE REVIEW

Pursuant to Rule 27.1 of the Massachusetts Rules of Appellate Procedure, the Plaintiff-Appellant, Sasho Stantchev, respectfully asks this Honorable Court to grant further appellate review of the Massachusetts Appeals Court's Order of Dismissal entered in Docket No. 24-P-381, and the denial of the Plaintiff's Motion for Reconsideration.

Plaintiff's appeal raises significant issues affecting the public interest and the interests of justice, namely equitable tolling, procedural due process, and the interpretation of the presentment requirement. These issues are of public importance and have broader implications for access to justice, especially for self-represented litigants.

### STATEMENT OF PRIOR PROCEEDINGS

This case arises from a personal injury suffered by Plaintiff on property owned and operated by Defendant, Bunker Hill Community College (BHCC), a public institution.

Plaintiff filed a timely civil complaint in the Superior Court after being advised by court officials that the filing deadline was July 5, 2022. The trial court dismissed the complaint under Mass. R. Civ. P. 12(b)(5) and 12(b)(6). Judgment was entered on November 13, 2023, in the Superior Court. After receiving said judgment late due to misdelivered mail, Plaintiff filed a Motion for Reconsideration on December 21, 2023.

That motion was denied on January 16, 2024, though Plaintiff was not notified by mail or electronically despite notifying the Court of the mail issues. The plaintiff discovered the denial during a personal visit to the courthouse on February 28, 2024, and filed his notice of appeal on March 1, 2024.

The Appeals Court issued an order on April 19, 2024, asking the Plaintiff to show cause in writing demonstrating how the notice of appeal was timely. On May 2, 2024, Plaintiff filed a written explanation detailing the timing of his notice of appeal, citing a faulty mail service and lack of electronic communication from the court. On May 20, 2024, the Appeals Court allowed the appeal to proceed, requesting from Plaintiff an informal appellant brief.

However, the Court later dismissed the appeal on April 9, 2025, reciting the timeliness of Plaintiff's appeal. A motion for reconsideration was denied on June 11, 2025.

This application for further appellate review is timely filed under Rule 27.1.

### STATEMENT OF FACTS

The Plaintiff suffered a serious injury on the premises of Bunker Hill Community College, a public institution, due to faulty equipment at a loading dock – conditions that had resulted in an identical injury just one week prior. Despite having knowledge of that prior incident, BHCC took no preventive action until after the Plaintiff's injury.

Plaintiff's incident was documented by campus police, reported to officials, and emergency services responded. The dock was closed only after the Plaintiff's accident. The Plaintiff's injuries worsened over time, resulting in disability and job loss.

Every procedural step throughout this case was to be taken through e-file, though no updates were uploaded after October 3, 2022. Henceforth, Plaintiff routinely checked both his physical mail and email services at every step of the process, so as not to miss communications. The notice of hearing, reportedly sent by the Court to Plaintiff in August 2023, was never received by Plaintiff. Furthermore, not only is mail in Plaintiff's area routinely misdelivered, but the Court incorrectly mailed its November 13, 2023, decision to an incomplete address (namely, 8 Pilgrim St., as opposed to Plaintiff's complete address, 8 Pilgrim St. Unit 4).

Plaintiff has USPS Informed Delivery, which provides scans of everything received via mail. Therefore, the above-mentioned lack of received correspondence from the Court may be substantiated.

Plaintiff, representing himself, relied exclusively on official instructions and communications throughout the litigation. Plaintiff's appeal was dismissed by the Appeals Court for being filed late, although the delay was attributable to mail service errors and lack of received communications from the Court.

STATEMENT OF POINTS WITH RESPECT TO WHICH FURTHER APPELLATE REVIEW  
IS SOUGHT

Plaintiff seeks further appellate review of the following points:

- I. The Appeals Court Overlooked Key Factual and Procedural Information Already Submitted, Affecting the Interests of Due Process
- II. Whether Equitable Tolling Is Available When Judgment Is Not Received Through No Fault of the Litigant
- III. Whether Substantial Compliance with G.L. c. 258, § 4 Satisfies the Presentment Requirement
- IV. Plaintiff, as a Pro Se Litigant, Relied on Official Guidance When Filing the Notice of Appeal
- V. The Appeals Court Overlooked the Appellee's Procedural Default
- VI. Interest of Justice Supports Reconsideration
- VII. Plaintiff Has Acted in Good Faith and Diligence Throughout the Process of the Case

**STATEMENT OF REASONS WHY FURTHER APPELLATE REVIEW IS APPROPRIATE**

**I. The Appeals Court Overlooked Key Factual and Procedural Information Already**

**Submitted**

Earlier in this appeal, the Court asked Plaintiff to explain why his Notice of Appeal was timely. Plaintiff submitted a handwritten explanation detailing that:

- Plaintiff did not receive the November 13, 2023 judgment until December 3, 2023, when a neighbor found it misdelivered (with the aforementioned incomplete address) in their mailbox and gave it to Plaintiff.
- Plaintiff went in person to Middlesex Superior Court on December 6, 2023, and was instructed to file a Motion for Reconsideration first, and then the appeal.
- Plaintiff filed the reconsideration motion on December 21, 2023 — just 18 days after receiving the judgment — and opened a USPS case over mail delivery problems affecting his entire area.
- Plaintiff further notified the Court that he was not reliably receiving mail and that the Court was using an incomplete address. Plaintiff requested email communication moving forward. He was told by court staff on January 9, 2024, that he would receive further responses by email — but never received notice (physical or electronic) of the denial of his Motion for Reconsideration.
- Plaintiff only learned that his motion was denied when he personally visited the courthouse again on February 28, 2024. The next day, Plaintiff wrote his Notice of Appeal and filed it on March 1, 2024.

After said explanation, Plaintiff was instructed to put together an informal appellant brief. These facts, and the brief, were submitted as requested and referred to the panel, but unfortunately the dismissal order does not acknowledge or address any of this information.

Therefore, the Appeals Court effectively reversed its own position after initially accepting the Appellant's explanation for delay caused by systemic mail service failures. This inconsistency undermines procedural fairness and due process, especially for pro se litigants acting in good faith and following direct guidance from court staff.

## **II. Whether Equitable Tolling Is Available When Judgment Is Not Received Through No Fault of the Litigant**

Plaintiff did not receive the judgment dated November 13, 2023, until December 3, 2023, due to misdelivery. He then followed guidance from Middlesex Superior Court and court staff to file a Motion for Reconsideration and later a timely Notice of Appeal. These circumstances were documented in the appellate record yet were not addressed in the dismissal order. Equitable tolling principles under *Goldstein v. Barron*, 382 Mass. 181 (1980) recognize relief may be granted under circumstances, albeit rare, which are beyond the control of a party. In this specific case of delayed notice through no fault of the litigant, Plaintiff argues that his circumstances fall under the realm of those external, unforeseeable events beyond his control which merit equitable tolling.

To bar this appeal under such circumstances frustrates basic fairness and erodes public confidence in the legal system's accessibility—especially for self-represented litigants.

### **III. Whether Substantial Compliance with G.L. c. 258, § 4 Satisfies the Presentment Requirement**

The Appeals Court did not consider the Plaintiff's argument, presented in the informal brief, that BHCC had actual notice of the incident through campus police reports (which specifies that BHCC management would be notified), emergency medical response, and immediate closure of the hazard area. Massachusetts courts have held that functional presentment may satisfy statutory intent. See *Martin v. Commonwealth*, 760 N.E.2d 313, 316 (Mass. 2002): “[T]he presentment requirement is not intended to demand such rigid particularization as to reincarnate sovereign immunity and bar legitimate claims for failing to invoke perfectly the correct ‘Open Sesame.’ ”

*Martin v. Commonwealth* establishes that the presentment requirement under G.L. c. 258 is not intended to demand strict formalism that would bar legitimate claims solely due to technical imperfections. Rather, the purpose of presentment is to ensure that public officials receive fair notice of potential claims—not to create a procedural trap for unwary or self-represented plaintiffs.

In this case, Plaintiff respectfully submits that presentment was functionally achieved. The institution had actual notice of the incident through official reports, emergency response, and administrative action. Under *Martin*, substantial compliance with the statute's purpose may be sufficient, especially where the delay or deficiency is not the result of bad faith.

This principle supports the broader interest of justice: that valid claims—particularly those involving serious injury and government responsibility—should not be barred where the underlying intent and effect of the law were satisfied. Plaintiff believes this legal issue was not addressed in the Appeals Court ruling and merits full consideration by this Court.

#### **IV. Plaintiff, as a Pro Se Litigant, Relied on Official Guidance When Filing the Notice of Appeal**

When Plaintiff filed the Notice of Appeal, he specifically asked the court clerk's office what exactly to appeal: the original decision, the Motion of Reconsideration decision, or both. Plaintiff was advised to list only the original judgment date (November 13, 2023), especially since the Motion of Reconsideration had the same outcome.

Plaintiff has followed this guidance in good faith and has trusted the officials (court/sheriff's offices) through the entire process so far, as he firmly believes that they should know the requirements and give the right advice when prompted.

Massachusetts courts recognize that lack of notice or delayed notice through no fault of the appellant may justify equitable tolling of the appeal deadline. See *Goldstein v. Barron*, 382 Mass. 181, 182–83 (1980).

#### **V. The Appeals Court Overlooked the Appellee's Procedural Default**

In addition, Plaintiff respectfully submits that the Defendant-Appellee also failed to comply with required deadlines, particularly by not filing a timely opposition with the Court within 20 days. The Court's order does not acknowledge this issue, which raises the question of fairness and procedural consistency in evaluating both parties' conduct. Plaintiff respectfully submits that both parties should be held to the same standards regarding timeliness. The omission suggests an imbalance in how procedural compliance was evaluated.

Plaintiff understands that the Court may grant some flexibility in procedural matters, but he raises this to point out that while his appeal was dismissed for timing, Defendant's delay was not addressed.

## **VI. Interest of Justice Supports Reconsideration**

While the Court noted that even if jurisdiction existed, the presentment requirement under G.L. c. 258, § 4 would remain a bar, Plaintiff respectfully reiterates that his case involves equitable considerations regarding notice, presentment awareness, and mail service failure that merit more full review—especially given the claim relates to conduct by a public institution.

Plaintiff maintains that his case is valid and deserves consideration. Being misinformed on specific strict procedural guidelines (he was repeatedly referred to a three-year statute of limitations by court officials, and never to a two-year presentment requirement) should not hinder his grievances from being considered.

It is worth reiterating this argument here to suggest that equitable interpretation and substantial compliance should be considered when presentment was functionally achieved. As the Appeals Court held in *Martin v. Commonwealth*, substantial compliance with the statute's purpose can satisfy its requirements, particularly where a governmental entity had actual knowledge and the delay was not due to bad faith. This is a legitimate legal issue that was not addressed in the ruling.

Sole dependence on technical formalities calls into question issues of access to justice regarding otherwise legitimate claims.

## **VII. Plaintiff Has Acted in Good Faith and Diligence Throughout the Process of the Case**

As a pro se litigant, Plaintiff has consistently followed all rules and procedures and has relied on direct instructions from the Clerk's Office, Court staff, and Sheriff's Office. He has made every effort to participate diligently and respectfully in this process. Plaintiff simply asks that his appeal be allowed to proceed on its merits so he may be heard — especially in light of the

personal injury, health issues, and job loss involved. Like survivors in other delayed-disclosure contexts, the Appellant came forward only after realizing the injury was life-altering. Such delays, which are human, as opposed to negligent, deserve compassion and judicial understanding.

This Court has consistently recognized that pro se litigants should not be unduly penalized for good faith procedural errors, especially when they rely on official guidance. While they are held to the same substantive standards, procedural rules should not be applied with such rigidity that they effectively close the courthouse doors. This is especially true when a governmental institution failed to prevent the reoccurrence of a life-threatening injury on its premises.

Dismissing a claim without consideration of the merits, under these circumstances, raises serious justice concerns. Plaintiff respectfully asks this Honorable Court to consider the application of presentment and equitable tolling principles in a way that supports fairness, consistency, and meaningful access to justice.

### CONCLUSION

For the foregoing reasons, Plaintiff respectfully asks this Honorable Court to grant further appellate review, accept jurisdiction over the appeal for full consideration on both procedural and substantive grounds, and allow briefing and argument on the issues presented.