

IN THE SUPREME COURT OF THE UNITED STATES

No. 25A _____

Chase Hunter,

Applicant,

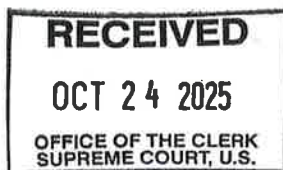
v.

Joanne Auclair.

APPLICATION FOR EXTENSION OF TIME
TO FILE PETITION FOR WRIT OF CERTIORARI TO THE
SUPREME JUDICIAL COURT OF THE
COMMONWEALTH OF MASSACHUSETTS

To the Honorable Ketanji Brown Jackson, Associate Justice of the
Supreme Court of the United States and Circuit Justice for the
First Circuit:

1. Pursuant to Sup. Ct. R. 13.5 and 30.2 of the Rules of this
Court, Chase Hunter, *pro se*, respectfully requests a 120-day
extension of time, to and including May 15, 2026, within which
to file a petition for a writ of certiorari to review the
judgment of the Supreme Judicial Court of the Commonwealth of
Massachusetts. Chase Hunter ("Ms. Hunter") is aware that Sup.



Ct.R. 13.5 establishes a maximum 60-day extension. But this is an extraordinary situation.

JURISDICTION

2. On October 16, 2025, the Supreme Judicial Court of Massachusetts denied Ms. Hunter's timely motion for reconsideration. (Attachment A at Bates 19.)

3. Ms. Hunter has ninety days from that date to file a petition for a writ of certiorari. Sup. Ct. R. 13.3. Therefore, unless extended, the petition is due by January 15, 2026. Today's date is October 19, 2025.

4. Jurisdiction is established by 28 U.S.C. § 1257.

JUDGMENT SOUGHT TO BE REVIEWED

5. A copy of the two denials of Ms. Hunter's two Applications to the Supreme Judicial Court (the top state court) for Further Appellate Review are in Attachment A at Bates 17-18. These denials relate to Applications for Further Appellate Review #30243 (filed 3/17/25 (due by 3/20/25); denied 4/17/25) and #30243B (filed 6/12/25 (due by 6/12/25); denied 7/25/25).

6. A copy of the denial of Ms. Hunter's motion for reconsideration of the denial of Application for Further Appellate Review #30243B is attached (filed 8/8/25 (due by 8/8/25); Denied 10/16/25) (Attachment A at Bates 19).

7. A copy of the Massachusetts Appeals Court (the intermediate state appellate court) Panel Appeal 2023-P-1503 Opinion dated February 27, 2025 (dismissal), that relates to Application for Further Appellate Review 30243 is Attachment B at Bates 20-23. (extension to file motion for reconsideration allowed through 4/14/25 and timely filed on 4/14/25; denied on 4/15/25).

8. A copy of the Massachusetts Appeals Court Panel Appeal 2023-P-1503 Opinion dated May 22, 2025 (awarding \$30,044 in sanctions), that relates to Application for Further Appellate Review 30243B is Attachment C at Bates 24-27.

SPECIFIC REASONS WHY AN EXTENSION IS JUSTIFIED

Preliminary

9. Ms. Hunter is not an attorney and does not have support staff to assist with researching and drafting and needs extra time to give this Court her best effort.

a The impending petition will not ask this Court to correct factual errors; will raise one or two constitutional questions; will show a "Circuit split", will reveal state-by-state inconsistencies on these questions, and/or will establish that a federal question was decided in a way that conflicts with this Court's past decisions.

10. Ms. Hunter is indigent but will pay the filing fee of \$300 and will print the perfect-bound booklets herself because the

cost to professionally print the booklets is cost-prohibitive.

Extraordinary Circumstances Justify This Request

11. Ms. Hunter has many pending appeals and lawsuits in the Commonwealth of Massachusetts, and she needs an extension so that she can give each court her best effort.

a The substance of the impending petition is not based on these pending appeals and lawsuits and not based on the substance of this Application. But this is relevant to show that this Application is justified.

12. Truth is stranger than fiction, Justice Jackson. The truth is that there is a Massachusetts attorney, Susan McCoy, who has been committing crimes against Ms. Hunter since at least September 2024. This is explained, in part, in United States District Court case 3:25-cv-30143; Springfield, Massachusetts, Chase Hunter v. Susan McCoy, et al. It has been very time-consuming, mentally distracting, and physically demanding for Ms. Hunter to try to avoid and try to recover from Ms. McCoy's crimes. And such crimes are unpredictable. Ms. Hunter was forced to rent a private storage unit just to keep court documents and evidence safe because Ms. Hunter cannot keep them in her home because Ms. McCoy illegally locked Ms. Hunter out of her home three times from October 2024 to July 11, 2025. After each illegal lock-out, Ms. Hunter regained access to her home using her own means. On July 23, 2025, Ms. Hunter's security camera recorded Ms. McCoy telling a strange man to illegally lockout

Ms. Hunter a fourth time. This man was standing in Ms. Hunter's yard when Ms. McCoy stated the following: if either he or Kevin are driving by Ms. Hunter's house - and they do not see a car and do not see a dog - they have "free permission" to "break in" Ms. Hunter's home and "lock it down" because she needs to make a "concerted effort" to make sure that nobody gets "near that house". The man was eager to comply and offered to come back "on the weekend"; presumably when he thought that Ms. Hunter might not be home.

a Ms. McCoy disconnected Ms. Hunter's electricity and internet service twice since June 2025.

b Since June 2025, Ms. McCoy has aggressively and repeatedly threatened to have Ms. Hunter arrested for trespassing if Ms. Hunter uses her residence.

c Ms. Hunter's residence was owned by Ms. Hunter's deceased mother, Darlene Joyce Calabrese ("Ms. Calabrese") who died in July 2022. The residence is now co-owned, by operation of law, by Ms. Hunter and her sister, Joanne Auclair, pending the final adjudication involving Ms. Calabrese's Last Will and Testament.

13. Ms. McCoy took control of Ms. Hunter's deceased mother's bank accounts in 2024 - which had about \$150,000 in them. And she did so with the help of an unconstitutional order entered by a state judge (some details below). Ms. McCoy has never provided a report to show how she has spent these funds.

14. These pending appeals and lawsuits arise from circumstances in which a state judge entered unconstitutional *sua sponte* orders beginning in April 2023 in a case in which Ms. Hunter is one of two parties (Hampden County Probate and Family Court case HD22P2394 ("Probate Court")). The other party is Ms. Hunter's sister, Joanne Auclair ("Ms. Auclair").

a This state judge's violations of Ms. Hunter's constitutional rights are described in more detail in United States District Court case 3:25-cv-30119 (Mass.); Chase Hunter v. Judge Ellen Randle and Ellen Randle, individually.

b Judge Randle appointed Susan McCoy *sua sponte* to be a "Special Personal Representative" of Ms. Hunter's deceased mother's assets in May 2024. The state law allows for such an appointment, for good cause, for no more than 180 days. Ms. McCoy is the second "Special Personal Representative" who was appointed *sua sponte* by Judge Randle. The first "Special Personal Representative" served for eight months, (appointed *sua sponte* in September 2023) made three phone calls in performance of his duties, filed no reports, found no problems with Ms. Calabrese's assets, and filed two motions asking to be terminated.

15. To summarize Hunter v. Randle, Judge Randle entered many *sua sponte* orders that, *inter alia*, required the parties to adjudicate substantially off-record by email and that shielded

the opposing party, Ms. Auclair, from responding to Ms. Hunter's discovery requests which were first served in December 2022. Judge Randle entered a *sua sponte* order in May 2024 in which she made herself a party to the Probate Court case HD22P2394 and spontaneously scheduled a short-notice trial in January 2025 for March 13, 2025, before discovery was complete.

a Judge Randle started entering unconstitutional orders in April 2023. But the details need not be discussed to support this Application.

16. On May 24, 2024, Judge Randle entered an order denying Ms. Hunter's unopposed Motion for Summary Judgment in Probate Court case HD22P2394 which established, *inter alia*, that since January 5, 2023, Ms. Hunter's sister, Ms. Auclair, and Ms. Auclair's counsel, had been self-dealing Ms. Calabrese's assets and offering to use Ms. Auclair's future-expected fiduciary authority over Ms. Calabrese's assets to give Ms. Hunter's alleged inheritance from Ms. Calabrese (valued at about \$125,000) to other people in exchange for their help in threatening, intimidating, and coercing Ms. Hunter to stop opposing Ms. Auclair's Probate Court petition (filed in 11/2022) to be appointed the Personal Representative (i.e. fiduciary) of Ms. Calabrese's assets. Ms. Auclair used interstate transmissions to offer to give Ms. Hunter's alleged inheritance to at least four different people. Some of these people, apparently wanting to distance themselves from Ms. Auclair, gave

Ms. Hunter incriminating admissible evidence against Ms. Auclair and against Ms. Auclair's counsel. This information does not reflect the substance of the impending petition but is being included to establish the justification for this Application - to show that Ms. Hunter's continued attempts to seek judicial relief as described herein have put Ms. Hunter in danger because the incriminating evidence that Ms. Hunter can admit into evidence has caused others to constantly find new ways of self-preservation which requires them to find new ways to threaten, intimidate, and coerce Ms. Hunter to stop her attempts to seek relief and to admit her evidence.

17. On May 29, 2024, Judge Randle *sua sponte* entered two orders that, *inter alia*, made Judge Randle a party to the Probate Court case HD22P2394 and that made Susan McCoy a party to the same case (and that also gave Ms. McCoy "investigator" tasks and discovery tasks).

18. There was one day of trial on March 13, 2025, in Probate Court case HD22P2394, and these quotes shown below were copied from the transcript of the trial. They reveal, *inter alia*, Judge Randle's personal involvement in the case, that Judge Randle appointed Susan McCoy to "investigate" and to report hearsay back to Judge Randle, and that Judge Randle treated the hearsay as admissible evidence:

a. Transcript Page 118, lines 1-12 (see Attachment D at Bates 30):

MS. HUNTER: So -- sorry. First, with regard to Susan McCoy -

THE COURT: Mm-hm.

MS. HUNTER: -- there is an order entered at docket number 269, dated May 29, 2024. It states that all persons interested having assented or having been notified in accordance with the law that this order appointing a special personal representative was entered. And I disagree with that. I did not assent and I was not notified in accordance with the law, and I oppose Attorney McCoy serving as special personal representative.

b. Transcript Page 173, lines 1-5 (see Attachment D at Bates 31):

THE COURT: Okay. And these are the same funds that continue to exist?

MS. HUNTER: As far as I know, they -- yeah. I mean, I don't know if Attorney McCoy has spent the money down. I don't know.

[Ms. Hunter's contextual addition: Judge Randle changed the focus of Ms. Hunter's testimony to ask, during Ms. Hunter's (self-represented) direct examination, if Ms. Hunter is aware of Ms. McCoy's use of Ms. Calabrese's funds - when Ms. McCoy never provided an accounting directly and Judge Randle never asked Ms. McCoy to provide an accounting. This is a key point because it provides motive for Ms. McCoy to commit the crimes against Ms. Hunter as described herein. If Ms. McCoy misused Ms. Calabrese's funds, then Ms. Hunter faces continued danger from Ms. McCoy's desire for self-preservation.]

c. Transcript Page 186, lines 13-25, through to Page 187, lines 1-9 (see Attachment D at Bates 32-33):

MS. HUNTER: It shows that Chase Hunter is trying -- has been trying to obtain evidence regarding -- Chase Hunter is a witness. She has firsthand knowledge of Darlene Calabrese's last will and testament. And

Chase Hunter was seeking the authority to do that research. And that has been blocked. And -

THE COURT: All right. So I -- instead I -

MS. HUNTER: -- when I -

THE COURT: Instead I appointed Attorney McCoy to follow through with respect to the will, based on your allegation.

MS. HUNTER: Based on what allegation?

THE COURT: On your allegation that there was a will. I gave her very specific instructions, which she followed, as to -- to look into whether there was a will or not.

MS. HUNTER: But Attorney McCoy -- she does not know Darlene Calabrese, does not know Darlene Calabrese's friends and relatives, and she -- Chase Hunter is an eyewitness regarding Darlene Calabrese's life and her last will and testament and her thoughts, and Chase Hunter is a better person to do the research than Attorney McCoy.

d. Transcript Page 188, lines 10-25 through to Page 189, lines 1-2 (see Attachment D at Bates 34-35):

THE COURT: Did you give any information about a safe deposit box to Attorney McCoy when she was appointed?

MS. HUNTER: No, I testified -- the first thing I testified to is about the order that appointed her. Was appointed without due process. And the order incorrectly -

THE COURT: So the answer is no.

MS. HUNTER: No, I did not.

THE COURT: Okay.

MS. HUNTER: Because -- because I believe -

THE COURT: That's fine. That's -- I don't -

MS. HUNTER: Okay.

THE COURT: -- need to know why. I just wanted to make sure that that was true. All right -

MS. HUNTER: But -

THE COURT: -- continue.

MS. HUNTER: The -- yeah. Okay.

e. Transcript Page 190, lines 18-19 through to Page 191, lines 1-23 (see Attachment D at Bates 36-37):

MS. HUNTER: -- on February 14, 2025 she said that any information that she shared with Susan McCoy -

MS. HUNTER: -- was secret, private, attorney work product, and -- and the -- my testimony is that this is not the role -- you know, this has been a secret process, and I object to that. The order at 269 was -- had an order -- 267 -- attached to it, which effectively created like a secret discovery process. And the discovery needs to be shared with each party. So whatever discovery Joanne Auclair stated during her deposition that she shared with Susan McCoy, she said that she wouldn't share with Chase Hunter because it's attorney work product. So it's a secret discovery process. And I object to that. Information should be shared between two people -- to -- between the two interested persons.

THE COURT: But you provided no information to Attorney McCoy.

MS. HUNTER: My testimony is with regard to the process that was created that's a secret process that doesn't involve an open sharing of information. And that's my objection. Also, as I said, Attorney McCoy was appointed -- the order appointing her incorrectly states that Chase Hunter was -- had assented and had been notified in accordance with the law. And I don't want to waive my due process rights, and I want to just testify that during Joanne Auclair's deposition she stated that anything that she shared with Susan McCoy is attorney work product, and that's a secret discovery process.

f. Page 195, lines 7-20 (see Attachment D at Bates 38):

THE COURT: Did you tell Susan McCoy that there was an annuity?

MS. HUNTER: Oh, this is in 2022.

THE COURT: Okay. At any point did you tell her there was an annuity?

MS. HUNTER: I don't understand, Judge Randle. I don't want to get off the topic. I'm -- the topic is that the annuity contract is missing, and that when Joanne Auclair found that I made a claim to it, that's when she sent the threatening email, and it was September 22, 2022. And -- and she was mad at me for making a claim to the annuity, because she said that I had given that annuity to her, and I had never even talked to her about that annuity.

THE COURT: All right. So you're out of time.

19. One of Ms. Hunter's other pending lawsuits is against William T. Walsh, Jr. who is an attorney who is an assistant clerk-magistrate of the Hampden County Massachusetts Superior Court who deleted Ms. Hunter's filed documents including, but not limited to, notices of appeal and Ms. Hunter's Verified Second Amended Answer With Counterclaims and Jury Demand. Mr. Walsh also blocked Ms. Hunter from filing documents "unless and until" she fired her lawyer. Mr. Walsh entered at least one order in which he pretended to be a judge and denied a motion for reconsideration that Ms. Hunter had not yet filed. This is explained in more detail in United States District Court case 3:25-cv-30106 (Mass.).

20. The Massachusetts state judicial system has been very unfriendly to Ms. Hunter, and this Application offers only a glimpse.

21. Every appearance that Ms. Hunter has made in a Massachusetts state court, since February 2023, has been used to avoid substance and to focus only on procedure, and has been used as

a platform to publicly humiliate, yell at, insult, and threaten Ms. Hunter.

22. At the one day of trial held on March 13, 2025, in Probate Court case HD22P2394, Judge Randle allowed opposing counsel to repeatedly and randomly yell, "you're pathetic" to Ms. Hunter. Judge Randle allowed opposing counsel to give the following diatribe, over Ms. Hunter's many objections, during his cross-examination (He was self-represented.):

"We are in extremely dangerous times in the United States of America today. And particularly involving the judicial system. And what you're seeing before you right now [referring to Ms. Hunter] is a perfect example of how these things go downhill. And what you're seeing before you is a perfect example of what that happens -- a person who refuses to follow the rule of law, a person who refuses to acknowledge when the Court -- Refuses to acknowledge when the -- and refuses to acknowledge when the Court passes rulings and when -- that there are things like attorney-client privilege and simple human decency. This is a problem, and I hope the Court recognizes that. Thank you."

23. There have been many unethical ex-parte communications between Ms. Auclair and Massachusetts state court judges in which Ms. Auclair, through her counsel, has asked other judges to rule against Ms. Hunter. Attachment E at Bates 41-43 contains an ex-parte communication that Ms. Hunter randomly discovered in a court file in a lawsuit in which Ms. Hunter is a plaintiff trying ^{to} petition the court to restrain Ms. McCoy from illegally locking Ms. Hunter out of her home. So far, Ms. Hunter has been

unsuccessful but has regained access to her home using her own means.

24. Ms. Hunter has about four appeal briefs due within the next sixty days.

25. Ms. Hunter has a Hampden County Massachusetts Superior Court jury trial scheduled for the end of November and needs time to prepare. This Superior Court lawsuit was prompted by Ms. Auclair who offered to use her impending fiduciary authority over Ms. Calabrese's assets to give the opposing party in this Superior Court case about half of Ms. Calabrese's assets (Ms. Hunter's alleged inheritance minus compensation to Ms. Auclair) if they filed this lawsuit against Ms. Hunter - which was filed on August 16, 2023.

CONCLUSION

26. Ms. Hunter has faced and continues to face a very hostile, unconstitutional Massachusetts judicial system; and it has been very time-consuming for Ms. Hunter to try to protect her constitutional rights. Ms. Hunter has been forced to sleep in her car for about twenty-five nights during the past year because she was illegally locked out of her home by Susan McCoy or believed that it was not safe to go home because of Susan McCoy's threats and actions. Ms. Hunter truly feels unsafe in her home and in public. This is distracting Ms. Hunter from her efforts in these pending appeals and lawsuits.

27. The additional time sought in this Application is needed for researching, drafting, and printing the booklets for the impending petition. Ms. Hunter is eager to give this Court her best effort in substance and presentation.

AFFIDAVIT

I, Chase Hunter, make the statements herein under pains and penalties of perjury. I am over 18 years old. Date: October 19, 2025

Chase Hunter

Respectfully submitted,

Chase Hunter

CHASE HUNTER, pro se

Mailing: PO Box 2144

Springfield, MA 01101

Tel: 413 ~~308~~ 3866

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USOneLove@PandGmail.com

Street:

82 Wendell Ave Suite 100

Pittsfield, MA 01201

CERTIFICATE OF SERVICE

I, Chase Hunter, hereby certify that I have delivered a copy of this document to:

Jeffrey Siegel, Esq. to siegel@fierstbloomberg.com (Fierst Bloomberg Ohm, LLP, 64 Gothic Street, Suite 4, Northampton, MA 01060-3042) this 20th day of October 2025 (for Joanne Auclair)

/s/ Chase Hunter

Chase Hunter

PO Box 2144

Springfield, MA 01101

(413) 309-3866

USOneLove@PandGmail.com

ATTACHMENT A

4 PAGES

OneLove@PandGMail.com

From: SJC Full Court Clerk <SJCCommClerk@sjc.state.ma.us>
Sent: Thursday, April 17, 2025 6:01 PM
To: onelove@pandgmail.com
Subject: FAR-30243 - Notice: FAR denied

Supreme Judicial Court for the Commonwealth of Massachusetts

Telephone

RE: Docket No. FAR-30243

IN THE MATTER OF THE ESTATE OF DARLENE JOYCE CALABRESE

Hampden Probate & Family No. HD22P2394EA A.C. No. 2023-P-1503

NOTICE OF DENIAL OF APPLICATION FOR FURTHER APPELLATE REVIEW

Please take note that on April 17, 2025, the application for further appellate review was denied.

Very truly yours,
The Clerk's Office

Dated: April 17, 2025

To: Jeffrey Michael Siegel, Esquire
Chase Hunter

From: SJC Full Court Clerk <SJCCommClerk@sjc.state.ma.us>
Sent: Friday, July 25, 2025 4:00 PM
To: onelove@pandgmail.com
Subject: FAR-30243B - Notice: FAR denied

Supreme Judicial Court for the Commonwealth of Massachusetts

Telephone

RE: Docket No. FAR-30243B

IN THE MATTER OF THE ESTATE OF DARLENE JOYCE CALABRESE

Hampden Probate & Family No. HD22P2394EA A.C. No. 2023-P-1503

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: Jeffrey Michael Siegel, Esquire
Chase Hunter
Jonathan Levin, Esquire

From: SJC Full Court Clerk <SJCCommClerk@sjc.state.ma.us>
Sent: Thursday, October 16, 2025 10:00 AM
To: onelove@pandgmail.com
Subject: FAR-30243B - Notice of docket entry

Supreme Judicial Court for the Commonwealth of Massachusetts

RE: No. FAR-30243B

IN THE MATTER OF THE ESTATE OF DARLENE JOYCE CALABRESE

NOTICE OF DOCKET ENTRY

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

Motion to reconsider denial of FAR application filed by Chase Hunter. (10/26/2025 The motion is denied).

Very truly yours,

The Clerk's Office

Dated: October 16, 2025

To:
Jeffrey Michael Siegel, Esquire
Chase Hunter
Jonathan Levin, Esquire

ATTACHMENT B

4 PAGES

COMMONWEALTH OF MASSACHUSETTS

APPEALS COURT

23-P-1503

IN THE MATTER OF THE ESTATE OF DARLENE JOYCE CALABRESE.

Order

On July 9, 2022, Darlene Joyce Calabrese died intestate, leaving behind two daughters, Joanne Auclair and Chase Hunter. This appeal arises from Auclair's petition for formal probate of Calabrese's estate. Hunter filed an objection and now appeals from several orders entered by a judge of the Probate and Family Court prior to final judgment.

"Generally, a litigant is entitled to appellate review of a final judgment, not of an interlocutory ruling." Lynch v. Crawford, 483 Mass. 631, 634 (2019). "Under G. L. c. 215, § 9, a party may claim an appeal from decisions of the Probate Court. Under this provision, a party may claim an appeal from interlocutory orders as well as final judgments, but absent a report from the trial judge, G. L. c. 215, § 13, an appeal from an interlocutory order will not be heard by an appellate court until a final judgment has been entered." Borman v. Borman, 378 Mass. 775, 779 (1979).

Here, Hunter appeals from orders denying her motion to disqualify counsel, denying her motion for an evidentiary

hearing, denying her motions for reconsideration, and an order appointing a special personal representative. Because these orders were interlocutory rulings, the appellant is not entitled to appellate review of the rulings prior to entry of judgment.¹ See Linder v. Pollak, 102 Mass. App. Ct. 386, 390 (2023). In addition, Hunter's notice of appeal was untimely with respect to each of these orders, except the order appointing a special personal representative. See DeLucia v. Kfoury, 93 Mass. App. Ct. 166, 170 (2018) ("timely notice of appeal is a jurisdictional prerequisite to our authority to consider any matter on appeal").

Moreover, to the extent Hunter has a right of appeal on any of these orders, a single justice of this court already denied Hunter's requests for relief from five of them.² Hunter advances no legal argument that the single justice abused his discretion by denying her request for relief, nor does Hunter demonstrate that the judge erred by ordering the appointment of a special

¹ Hunter also attempts to appeal (or correct) 1) a docket entry that was entered in error and subsequently deleted, and 2) an email from a court employee referring Hunter to certain docket entries. To the extent that either the entry or email can be construed as an order, they are both interlocutory in nature and not properly before us.

² The single justice denied relief from the orders denying Hunter's motions for reconsideration of the judge's decisions on Hunter's motion to disqualify counsel and motion for an evidentiary hearing. However, Hunter did not request relief from the original orders denying her motions to disqualify counsel and for an evidentiary hearing.

personal representative. In any event, we discern no error or abuse of discretion in any of the single justice's orders. See Commonwealth v. Jordan, 469 Mass. 134, 143-144 (2014).

Accordingly, we dismiss the appeal.³

Appeal dismissed.

By the Court (Vuono,
Brennan & D'Angelo, JJ.⁴),

A handwritten signature in cursive script, appearing to read "Paul Little".

Clerk

Entered: February 27, 2025.

³ Auclair seeks an award of appellate attorney's fees and costs pursuant to Mass. R. A. P. 25, as appearing in 481 Mass. 1654 (2019), on the ground that Hunter's appeal is frivolous. See G. L. c. 211A, § 15. Because Hunter had "no reasonable expectation of a reversal," Allen v. Batchelder, 17 Mass. App. Ct. 453, 458 (1984), we agree that her appeal was frivolous, and an award of appellate attorney's fees and costs is appropriate. See Avery v. Steele, 414 Mass. 450, 455-457 (1993). Consistent with the requirements of Fabre v. Walton, 441 Mass. 9, 10 (2004), Auclair may file a request for appellate attorney's fees and costs, along with supporting documentation, within fourteen days of the issuance of the decision in this case. Hunter shall have fourteen days thereafter within which to respond.

⁴ The panelists are listed in order of seniority.

ATTACHMENT C

4 PAGES

COMMONWEALTH OF MASSACHUSETTS

APPEALS COURT

23-P-1503

IN THE MATTER OF THE ESTATE OF DARLENE JOYCE CALABRESE.

ORDER

Following our memorandum and order dated February 27, 2025, approving the request of Joanne Auclair for her appellate attorney's fees and costs of appeal against Chase Hunter, Auclair filed a motion for appellate attorney's fees of \$30,044.00, in accordance with the procedure set forth in Fabre v. Walton, 441 Mass. 9, 10-11 (2004). Supporting her motion was the affidavit of Attorney Jeffrey M. Siegel describing his law firm and the experience, hourly rate, actions taken, and time spent on the appeal by the attorneys and paralegal who worked on it. On March 12, 2025, Hunter filed a motion for enlargement of time to file a response to Auclair's motion for fees, which was granted until May 15, 2025. On May 16, 2025, Hunter filed a pleading that she has characterized, at least in part, as an opposition to Auclair's motion for fees.

"While the amount of a reasonable attorney's fee is largely discretionary, a judge should consider the nature of the case and the issues presented, the time and labor required, the amount of damages involved, the result obtained, the experience,

reputation, and ability of the attorney, the usual price charged for similar services by other attorneys in the same area, and the amount of awards in similar cases. No one factor is determinative, and a factor-by-factor analysis, although helpful, is not required." Twin Fires Inv., LLC v. Morgan Stanley Dean Witter & Co., 445 Mass. 411, 429 (2005) (citations and quotations omitted). In making such a determination, we "properly exercise[] independent judgment concerning the request's reasonableness." Stowe v. Bologna, 417 Mass. 199, 204 (1994). The assessment of fees based on the "lodestar" method, which involves "multiplying the number of hours reasonably spent on the case times a reasonable hourly rate," is permissible. See Fontaine v. Ebtec Corp., 415 Mass. 309, 324 (1993). We are not obliged to "review and allow or disallow each individual item in the bill, but [may] consider the bill as a whole." Berman v. Linnane, 434 Mass. 301, 303 (2001).

After reviewing Auclair's motion and supporting materials, the appellate briefs and the record, and considering the time expended, counsel's level of expertise and experience, the difficulty of the case, and the fees customarily charged for similar work, we conclude that attorney's fees of \$30,044.00 are fair and reasonable.

Accordingly, we award Auclair attorney's fees of \$30,044.00. Any proceedings to enforce this award shall be commenced in the Probate and Family Court.

So ordered.

By the Court (Vuono,
Brennan & D'Angelo, JJ.¹),

A handwritten signature in cursive script, appearing to read "Sean Connolly".

Assistant Clerk

Entered: May 22, 2025.

¹ The panelists are listed in order of seniority.

ATTACHMENT D

13 PAGES