

COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT

Ruth Adjartey, Ismail Abdelhamed, Vesta)
Ballou, Mildred Collins, Jackeline)
Cucufate, Marjorie Evans, Matthew)
Griffin, Gerard Hughes, Donna Mejias-)
Berrios, Janet Montgomery, Elizabeth)
Norris, Luciano Oliveira, Mychelyne) Docket No. SJC-12380
Oliveira, Susan Osborne, Daniel)
Peristere, Christy Raymond, Caitlin)
Ryals, John Schumacher, Myron Swanston)
Petitioner-Appellants)
v.)
Worcester Housing Court,)
Original Respondent-Appellee,)
Santander Bank, Midfirst Bank,)
Nationstar Mortgage LLC, MRH Sub1LLC,)
Freddie Mac, Fannie Mae, U.S. Bank N.A.)
As Trustee Of J.P. Morgan Acquisition)
Trust 2006-WMC3, Lisa Y. Barron, HSBC)
Bank USA N.A. As Trustee For Nomura)
Asset Acceptance Corporation Mortgage)
Pass Through Certificates Series)
2005-AR3, HSBC Bank USA N.A. As Trustee)
On Behalf Of Fremont Home Loan Trust)
2006-C Mortgage-Backed Certificates)
Series 2006-C, Savers Co-Operative Bank,)
Deutsche Bank National Trust Co. Trustee)
For Ameriquest Mortgage Securities Inc.)
Asset-Backed PassThrough Certificates)
Series 2003-13, US Bank N.A. As Trustee)
For Bear Stearns Asset Backed Securities)
Trust 2004-Ac4, U.S. Bank Trust N.A.)
Trustee Of Volt 2012-NP11 Asset Holdings)
Trust)
Respondents-Appellees)

Christine Hilton, Ruth Adjartey, Ismail)

Abdelhamed, Vesta Ballou, Lori Cairns,)
 Jackeline Cucufate, MarjorieEvans,)
 Gerard Hughes, Maria Navedo, PaulNorris)
 John Schumacher, Jean Atkinson, Edna)
 Austell, Annette Bent, Steven Bourassa,)
 Samantha Farrar, Patricia Ferreira)
 Bonilla, Kelly Johnson, Felix Kangaru,)
 Heather Kozac ,Cheryl Leblanc, Philippe)
 Leblanc, William Marks, Deb Mccarthy,) **Docket # SJC-12406**
 Keith Mckenzie, Paulette McKenzie,)
 Miranda Morgan, JosephNuzzolilo,)
 Cynthia O'Gara, Mychelyne Oliveira,)
 Susan Osborne, Thomas Saxe, Al Solitro,)
 Sherry Stanley, Myron Swanston, Stefani)
 Tubert, Tracey Tobin, Cynthia White,)
 Nunciata Sullivan, Lila Ortiz, Carl)
 Rellstab, Carey Souda, Patricia O'Dell,)
 LindaPotter, Brian Potter, Jasmine)
 Alvarez,)
 Petitioner/Intervenor-Appellants)
 vs.)
)
 Worcester Housing Court,)
 Defendant-Appellee,)
)

Petitioners' Reconsideration of SJC Decision of April 10, 2019
in Regards To SJC

NOW COMES Petitioner, Steven Bourassa and requests this
 Honorable Supreme Judicial Court reconsider its' decision
 because it has only now occurred to the Petitioner in
 consultation with his co-petitioners that a number of elements
 that they had submitted to this Honorable Court may be matters
 of first impression.

To begin, the Petitioners submitted a petition for relief
 pursuant to Mass Rules of Civil Procedure in the style of a Writ

of Mandamus; petitioners called upon the SJC to use its superintendence powers to give relief to the Petitioners for various violations that form a pattern of denial of equal rights to access justice in the Central Housing Court.

The underlying issue the Petitioners alleged, is that these numerous violations result in the unmistakable fact that the Respondents have demonstrated a pattern of behavior which resulted in disparate treatment to the Petitioners.

The Petitioners acknowledge that their claim of discrimination is the cause of action before this Court. Specifically, the petition before this Court was filed as a Petition of Superintendence. While not named as a Petition of Discrimination, the pattern of discrimination itself forms the basis of the urgent need for relief pursuant to MRCP and the superintendence powers of this Court.

The Petitioners note that pursuant to the Mandamus Standard of Review, the petitioners must have demonstrated that they have exhausted all available remedies before relief can be granted.

However, the petitioners submit that herein lies a lacuna. Specifically, the Petitioners submit that the only statute which permits the Petitioners to commence a lawsuit against the

Central Housing Court, Respondent, is M.G.L. Chapter 211 §3 and specifically the second paragraph¹.

Thus, the Petitioners submit that the only available remedy to prevent the continued violation of civil rights by the Respondent, the CHC, is M.G.L. Chapter 211 §3.

Given the aforementioned submissions, the Petitioners further submit that suing an arm of government (the court) by a group of people for discrimination, seems like an obvious type of complaint to be brought forward. It did not occur to the Petitioners that using a Writ of Mandamus under the Court's unique superintendent powers as to inferior courts, would be a matter of first impression for this Court but, of course, it very well may be.

The Courts' indigency laws are an expression of the constitution's commitment that everyone will have access to the

¹ "...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. ..."

Court regardless of ability to pay (Article XI). Our constitution, of course, has incorporated a version of its own related to disabilities just like the Americans with Disabilities Act (amendment 114). It did not occur to the Petitioners that these substantive rights for those who are indigent and/or have disabilities might not have been adjudicated for disparate treatment under a legal construct of discriminatory pattern or hostile environment.

Those who are *pro se* have a clearly defined right to all the same substantive and procedural rights in our Courts under our constitution². It is clear from the language within the constitution that one is supposed to have equal access to the Courts whether one is representing oneself or one has a lawyer.

It did not occur to the Petitioners that applying a discrimination analysis to disparate treatment as to representing oneself as opposed to being represented by a lawyer

²**Article XII.**No subject shall be held to answer for any crimes or offence, until the same is fully and plainly, substantially and formally, described to him; or be compelled to accuse, or furnish evidence against himself. And every subject shall have a right to produce all proofs, that may be favorable to him; to meet the witnesses against him face to face, **and to be fully heard in his defense by himself, or his council at his election.** And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land.

may also be a matter of first impression for the court.

Representing oneself is a right guaranteed in our constitution but it appears that our way of formulating it may be a matter of first impression for the court.

Similarly, we have the right to affiliate under the first amendment of the U.S. Constitution and to associate as part of a group for redress. That the right to affiliate and not have it be a matter, that an impartial judge may consider, seemed clear to us; again as formulated as an example or type of disparate treatment. It did not occur to the Petitioners that such a systemic bias as to affiliation, being analyzed under a discriminatory pattern might be considered a matter of first impression.

Petitioners acknowledge that it is a matter of judicial economy that the Courts not try and handle hundreds of discrimination violations. Each individual experience of each minute expression of bias and a pattern of discrimination cannot be a constructive use of the Court's time.

Equal Treatment in our Courts as to constitutionally named and substantive rights, however, deserves redress. Logically, of course, this is a unique and extraordinary situation because it is occurring in an inferior court and requires the unique and

extraordinary powers that this Honorable SJC possesses and only this Honorable Court can implement.

Again, it did not occur to us that in bringing, to the Court's attention, four forms of discrimination that are all intersecting with each other would be requesting the court to do an analysis that would be a matter of first impression.

We have experienced, and as is now broadly recognized in the larger culture as what is now named "intersectionality" of discriminations of various sorts is more the norm than the exception. (See Attached) Legal claims may not have caught up with this framework. This Honorable Court may not be used to analyzing a pattern of discriminatory violations and the creation of a hostile environment in this way. Thus, this becomes another matter of first impression.

The Petitioners submit, that seeking redress from this Honorable Court to address the systemic impacts of disparate treatment (or hostile environment thus created) in the very Court itself where those violations appear over and over again demonstrating a pattern of behavior and arbitrary policies, begs the question of how to address what appears to also have been a matter of first impression for this Court.

Further, the Petitioners submit that this Court may not necessarily be used to implementing the full range of anti-

discrimination strategies in an inferior court that corporations have come to expect to use. This type of policy creation and ongoing monitoring may not be the usual relief but is necessary where an entire institution or a segment of an institution needs to learn about, understand, and undo the prejudice related to one or in this case four types of discrimination that are intersectional.

Finally, issue of addressing a systemic discrimination-based course correction for an entire Court where voicing against the said discriminatory practices, and where acting on those discriminatory practices has become normalized in an entire lower Court appears to be a matter of first impression for this Court.

Having regard to the foregoing, the Petitioners are of the respectful opinion that a solution would be for this Court to affirm that the unchallenged evidence of disparate treatment is evidence of a pattern of behavior which results in discrimination against *pro se* litigants.

Petitioners request that the Court clarify where possible, the correct procedure to correct and prevent the discriminatory policies, procedures and discriminatory decision making of the lower Court. Specifically, having regard to the fact that the Petitioners are almost routinely denied their right to appeal

discriminatory decisions due to the incorrect and arbitrary application of the indigency laws.

This Court has acknowledged the disability and indigency rights of the Petitioners in relation of access to justice. Hopefully in reconsidering its decision, this Court will similarly, more explicitly, address the rights they did not consider; those of equal treatment and access to justice when *pro se* and when affiliated with a political association for redress through the Courts.

The petitioners believe that individual redress and the systemic adjustment to the Central Housing Court to end the many discriminatory practices that the CHC has normalized is not something that this entire Court should use its time and attention for. By analogy, petitioners think of remedies to desegregate a school which were usually handed onto a single judge, but, this Court has the tool of a Special Master to do the corrections and implementation at the detail level.

In doing so, this Honorable Court would be breaking its' decision into two phases. The first phase, acknowledging, analyzing the situation and providing the broad legal expectations based upon legal precedence, analysis and interpretation of the laws, statutes, constitutional obligations, due process procedures and the continuing

development of our consciousnesses, for instance; the intersectionality of discrimination. The second phase, is to delegate, not to the Central Housing Court, the opposing party in this litigation and the object of the need for change as a governmental institution, obviously, but to some other party to carry out phase two, the implementation phase.

Petitioners think of, for instance, *Brown v. Board of Education* which laid out the broad sweeping and necessary legal understanding and commitment to end segregation with no expectation that the U.S. Supreme Court would be the one to implement the broad sweeping changes to meet the implication of that historic and very necessary decision from the U.S. Supreme Court.

The legal construct in Massachusetts jurisprudence which appears to be the most analogous form of relief, is declaratory judgment. Specifically, the role of this Court as the ultimate legal interpreter and the ultimate authority for the elements defined in the second paragraph of M.G.L. Chapter 211 §3, it is this Court's obligation and unique authority to redirect a court that has gone off the rails.

It appears that declaratory judgment (which, once again, is available in only a very limited number of Court venues, one of which is this court) is the appropriate resolve as far as

petitioners can tell. However, it appears to be a matter of first impression that for some reason, the access to that specific relief is unavailable. This seems a quite peculiarly odd limitation as this Esteemed Court's unique responsibilities include guidance and superintendence to inferior courts.

This is especially so when this Court should not be the one to do the minutia of implementation. Over time correcting discriminatory norms in a lower Court will require and/or the detail necessary for 46 litigants. In this case, it is especially necessary as to the Court's ability to apply it in exactly a case where this court is playing its unique mandamus role over inferior courts has literally been written out of the statute.

The relief is available to this Court to correct, if necessary, in supporting the petitioners' right to readdress under article V of the Massachusetts constitution. That substantive right appears to have been expressed in the "antiquated" writ of mandamus as its procedural and legal expression.

If Petitioners read this correctly, it appears, therefore, that this Court can correct its inability to use declaratory judgment under the declaratory judgment statute because M.G.L. Chapter 211 §3 allows it to do so, because it conflicts with the

constitutional promise to the petitioners and those similarly situated.

Less problematic in terms of powers, but more urgent because it in fact contravenes this Court's ability to play its historic mandamus role in relationship to inferior courts is the instance where the promise of mandamus is codified in Mass Rules of Civil Procedure under Rule 81(b) under Mass Rules of Civil Procedure and yet, somehow, simultaneously SJC procedural Rule 2:22 has hamstrung this Honorable Court's ability to provide a "certain remedy" as promised in article XI of our constitution where the only statutory vehicle to correct a Court for violation of rights and resulting discrimination is M.G.L. Chapter 211 §3.

The only interpretive procedural rule by this Court Rule 2:22 actually takes the intended and necessary target for these violations, the CHC, out of its real party in interest role and presumptively places it in a nominal role. It played a real, not nominal role in this suit; one it must play if the Writ of Mandamus against an inferior Court is to exist procedurally and in our laws and as an expression of our constitutional rights.

As *pro se* litigants and members of WAFT, we attempt in collectively bringing forward, as diligently complete a case as we can compile and exemplify to this Honorable Court, a decent

and full scope brief of the matters of first impression and all of the situations arising from such matters of first impression. The body of evidence and supporting material is quite sizable given the number of litigants included.

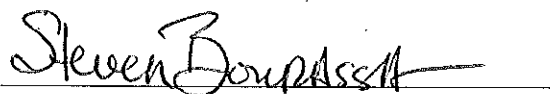
In Conclusion, Petitioners' Humbly Request of this Most Honorable Court for additional time to submit briefs supporting the matters of first impression.

Additionally, Petitioners Request for Reconsiderations to some of that which was decided by this Honorable Court in the decision of April 10, 2019.

Petitioners request a nominal expansion of time to 11:59 PM, Wednesday, May 8th, 2019 at which time all briefs and supporting evidence shall be submitted.

Acknowledgement and Gratitude for the SJC's Allowances and Patience in this matter is duly noted and Sincerely Appreciated.

Respectfully and Fervently Submitted,



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May 6, 2019

CERTIFICATE OF SERVICE

I, the below signed, hereby certify that a true and correct copy of the above and foregoing has been furnished to all opposing parties by pre-paid First Class Mail, U.S.P.S.

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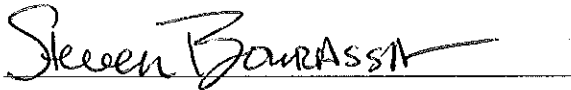
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A handwritten signature in black ink that reads "Steven Bourassa". The signature is written in a cursive style and is positioned above a horizontal line.

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May 6, 2019

CERTIFICATE OF SERVICE

I, the below signed, hereby certify that a true and correct copy of the above and foregoing has been furnished to all opposing parties by pre-paid First Class Mail, U.S.P.S.

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National Association as Trustee

Re: Docket #10H85SP001207, U.S. Bank, N.A. as Trustee v.
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Mortgage Association v. Hughes

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Re: Docket #15H85SP003985, Santander Bank, N.A. v. Adjartey,

Re: Docket #16H85SP001313 MidFirst Bank v. Abdelhamed,

Re: Docket #16H85SP004400 MidFirst Bank v. Raymond,

Re: Docket #15H85SP003287, #15H85SP003288, #16H85SP003289,

U.S. Bank Trust, N.A. Trustee of VOLT 2012-NPL1 Asset Holdings
Trust v. Swanston,

Re: Docket # 14H85SP000755 Fannie Mae v. Osborne,

Re: Docket #13H85CV000283, Fannie Mae v. Griffin

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May 6, 2019

GRID OF PETITIONERS' INTERSECTIONALITY OF PROTECTED CLASS IDENTITIES

	Name	With disability	Indigency	Pro Se	WAFT
Adjarthey Case	Adjarthey	*	*	*	*
Adjarthey Case	Abdelhamed	*	*	*	*
Adjarthey Case	Ballou	*		*	*
Adjarthey Case	Collins		*	*	*
Adjarthey Case	Cucufate		*	*	*
Adjarthey Case	Evans	*	*	*/LAR	*
Adjarthey Case	Griffin	*	*	*	*
Adjarthey Case	Hughes	*	*	*	*
Adjarthey Case	Mejias Berrios			*/LAR	*
Adjarthey Case	Montgomery		*	*	*
Adjarthey Case	Norris E	*	*	*	*
Adjarthey Case	Oliveira M	*	*	*	*
Adjarthey Case	Oliveira L		*	*	*
Adjarthey Case	Osborne	*	*	*	*
Adjarthey Case	Peristere		*	*	*
Adjarthey Case	Raymond		*	*	*
Adjarthey Case	Ryals		*	*	*
Adjarthey Case	Schumacher		*	*	*
Adjarthey Case	Swanston		*	*	*
Hilton Case	Hilton		*	*	*
Hilton Case	Adjarthey	*	*	*	*
Hilton Case	Abdelhamed	*	*	*	*
Hilton Case	Ballou		*	*	*
Hilton Case	Cairns		*	*	*
Hilton Case	Cucufate	*	*	*	*
Hilton Case	Evans	*	*	*/LAR	*
Hilton Case	Hughes	*	*	*	*
Hilton Case	Navedo	*	*	*	*
Hilton Case	Norris P		*	*	*
Hilton Case	Schumacher		*	*	*
Hilton Case	Atkinson		*	*	*
Hilton Case	Austell	*	*	*	*
Hilton Case	Bent		*	*	*
Hilton Case	Bourassa		*	*	*
Hilton Case	Farrar	*	*	*	*
Hilton Case	Bonilla		*	*	*
Hilton Case	Johnson		*	*	*
Hilton Case	Kanagaru			*	*
Hilton Case	Kozak		*	*	*
Hilton Case	Leblanc C		*	*	*
Hilton Case	LeBlanc P			*	*
Hilton Case	Marks		*	*	*
Hilton Case	McCarthy	*	*	*	*
Hilton Case	McKenzie P			*	*
Hilton Case	McKenzie K			*	*
Hilton Case	Morgan		*	*	*
Hilton Case	Nuzzolilo	*	*	*	*
Hilton Case	O'Gara		*	*	*

Hilton Case	Oliveira.M	*		*	*
Hilton Case	Osborne			*	*
Hilton Case	Saxe		*	*	*
Hilton Case	Solitto	*	*	*	*
Hilton Case	Stanley		*	*	*
Hilton Case	Swanston		*	*	*
Hilton Case	Tubert		*	*	*
Hilton Case	Tobin		*	*	*
Hilton Case	White		*	*	*
Hilton Case	Sullivan		*	*	*
Hilton Case	Ortiz			*	*
Hilton Case	Rellstab			*	
Hilton Case	Souda		*	*	*
Hilton Case	O'Dell			*	*
Hilton Case	Potter L	*	*	*	*
Hilton Case	Potter B		*	*	*
Hilton Case	Alvarez		*	*	*
Hilton Case					
Intervenor					