

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 )  
Oliveira, Susan Osborne, Daniel )  
Peristere, Christy Raymond, Caitlin )  
Ryals, John Schumacher, Myron Swanston )  
Petitioner-Appellants )

Docket No. SJC-12380

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 Pass Through 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, Marjorie Evans, )  
Gerard Hughes, Maria Navedo, Paul Norris )  
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, Joseph Nuzzolilo, )  
 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, )  
 Linda Potter, Brian Potter, Jasmine )  
 Alvarez, )  
 Petitioner/Intervenor-Appellants )  
 vs. )  
 Worcester Housing Court, )  
 Defendant-Appellee, )  
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Verified Petitioner's Reconsideration of SJC Decision of April  
 10, 2019 given Patterns and Depth of WHC Problems

NOW COMES Petitioner Cairns and requests SJC reconsider its  
 Decision<sup>1</sup>. Petitioner Cairns is in a unique position because as  
 WAFT staff as well as fighting for her home she has been more  
 present than anyone at Worcester Housing Court ("WHC") hearings,

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<sup>1</sup>Petitioner timely requests modification of this Honorable  
 Court's decisions of April 10, 2019 in the above *Adjarthey* and  
*Hilton* cases under applicable rule: "Appellate Procedure Rule 27:  
 Motion for reconsideration or modification of decision - Within  
 14 days after the date of the decision of the appellate court,  
 any party to an appeal may file a motion for reconsideration or  
 modification of decision unless the time is shortened or  
 enlarged by order. It shall state with particularity the points  
 of law or fact which it is contended the court has overlooked or  
 misapprehended and shall contain such argument in support of the  
 motion as the movant desires to present."

and accompanying WAFT members in the hallways and to the Clerk's Office in the last 3 years<sup>2</sup>. She hopes her perspective provides needed certainty to this Court's deliberations as to what the Petitioners have attempted to make this Honorable Court aware of

#### STATEMENT OF RELEVANT FACTS

As the Organizer of the Worcester Anti-Foreclosure Team in Worcester, MA. I have had the opportunity to work with most members at the foreclosure/auction, by assisting them with the legal aspect of foreclosure, and loving support. While in court. Many WAFT members have also been at the foreclosure/auction and helped others through the legal aspects in pre and post foreclosure, i.e., court, meetings, and participating with in-office projects in the office. I have seen their work make history with the work they have a hand in.

I want to try to bring out the fear, humiliation, degradation, discrimination, high anxiety, tremendous stress and what it does to the family dynamics without making it seem like they would have been better in the hands of a lawyer. Though the issue of whether we have a lawyer or not doesn't change the behavior of the clerks and Judge Horan which has been

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<sup>2</sup> At recent count, WAFT had 85 members with open court cases as of that day.

deplorable, discriminatory, and certainly bias against members of WAFT. 3

I provide support for most WAFT members when they go to court<sup>4</sup>. It has been heart wrenching to watch how the court's treatment of pro se individuals, stress symptoms that exacerbate into life threatening illness, fear that nearly paralyzes the individual, anxiety that blanks the cognitive mind processes, causes confusion, brain fog et al, during the hearing. It is not unusual for individuals to become suicidal or have suicidal ideation because they are losing their home and don't know how to fight for the home. There are other threatening mental health disorders that have incapacitated an individual, because their symptoms can become acute.

God help the children who try to understand why they are losing their homes; areas of their life are being uprooted and we begin to see children fail in school and they were A students. Our elderly disabled and children, our most vulnerable to ending up homeless if they are not able to procure housing vouchers, Section 8 or the like of other programs to help. Many or most people coming to WAFT have been fighting their

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<sup>3</sup> Article 114 of the Amendments to the Massachusetts constitution prohibits any "otherwise qualified handicapped individual" from being "excluded from the participation in, denied the benefits of, or being] subject to discrimination under any program or activity within the commonwealth."

<sup>4</sup> WAFT statistics show 220 court appearances in 7 months.

foreclosures, sometimes up to 8 years. Many at this point cannot make sense of the world about what to do next.

I do not think anyone can ever know the challenges and personal loss that they have already experienced.

Many become fatigued and drained of all hope or see no light at the end of the tunnel, there is a deep and abiding sense of hopelessness. They are way too disadvantaged after trying every conceivable thing known to man, including lawyers who managed to take many thousands of dollars and leave the homeowner with no solution, and no relief.

One of our most beloved members, Ruth Adjartey has probably suffered the most out of any one defendant in the last four years. Worthy of mentioning that Ruth was not the first, but hopefully is the last that has received harsh words and discriminating behavior from judge in the court room. Ruth has been rushed to the hospital on more than one occasion because of the stress. During every hearing Judge Horan would send a bailiff out to the hall where she was sitting to ask her to come into the courtroom for her hearing. There was a Reasonable Accommodation, which contained a Doctor's note and filled out requesting permission not to enter the courtroom and that the decision be read into the record. Ruth felt harassed every time the bailiff would ask her to come into the court. Every time Ruth was asked at the beginning of a hearing to come into the

court. Cairns left the courtroom and sat down with Ruth every time someone was sent out of the court room to ask her to come in, she was visibly stressed beyond what was endurable for her, as depicted by her shaking hand, red face and shaky voice. She stated many times, "Please I have given you my answer, stop asking. Her voice was never heeded as the Judge would continue to send the bailiff out several times.

Ruth took the lead in a petition that was signed by many other WAFT members that discussed the harassing and discriminatory behavior of Judge Horan and her refusal to give people their audio tapes of the hearing. She has denied most of the WAFT members from ever getting their tapes.

As in the case of Bourassa, who had witnesses to what the judge had said to him that affirmed that Judge Horan had indeed lied during a hearing. At that hearing Judge Horan played the tape of Bourassa's hearing, and then asked Bourassa, exactly where was it I had made that comment? Bourassa paused and then said, "it was deleted from the tape." She became quickly angered and asked Bourassa if he was accusing her of tampering with the audio, he responded by saying yes.

Tom Saxe (a longtime member who provided court support faithfully), once replied: You never know what or how you are going to be treated when you enter the clerk's office or the court. Judge Horan did not like to hear this comment, but

nonetheless, Tom's honesty with the judge was more than brave.

Annette Bent is a single woman who recently lost her husband while she was fighting the second foreclosure for her same house in Oxford. Annette is probably the sweetest, kindest person I have ever met. She brilliantly navigated through her case quickly and her case was dismissed due to the bank not being registered in the state which is a violation of title to property. The bank brought it back for the second time and using all same documents from her first case. Annette had to deal with great bias from Judge Horan and Chief Magistrate of the court, making her feel ashamed for coming back to court. Judge Salvidio refuses, and refused to acknowledge the law around Standing in her case. Annette was treated with disdain from Judge Salvidio, which made her feel like less than human and extremely frustrated and confused as if she was barred from justice in the WHC and why did not the Judge understand the "Hatcher Decision" simply boggles the mind.

Ismail Abdelhamed was a teenager when his father started fighting the foreclosure in 2014. His father moved to Egypt stating that he wanted nothing to do with the house anymore; he left his daughter Suaed & Ismail Abdelhamed to fight the foreclosure. Ismail was fighting the foreclosure by himself with his wife and two young children. Ismail and his family qualified for indigency, thereby when he went to court in 2017, the Clerk-

Magistrate said to him; "Oh great, another one on the backs of taxpayers". I saw Ismail look down at the floor and was embarrassed. It is of no surprise that Ismail felt highly discriminated against and was very angry, so much so that I had to lead him out of the clerk's office so he could freely express his anger. The court attempted to evict Ismail and his family three times before they were successful. Ismail was the first of many adult children left to fight the foreclosure for their parents. The family remains homeless as a result of the foreclosure and many attempts to negotiate with the bank were diverted.

Jackeline Cucufate is a foreclosure case that has broken the hearts of many WAFT members/staff because this woman has hit every barrier and obstacle to justice that any one person could. She was discriminated, shamed, treated like she was invisible as she argued her case powerfully and was bullied by the judge, ie., statements to the effect of "I don't care about your belongings that were taken away from your home, it is not this court's concern." Jackeline will never forget what it was like to be humiliated in front of a full court room about her need for an Affidavit of Indigency, where she was asked many questions about her living status, her children, her finances, and other invasive questions. Jackeline is handicapped and a mother of 2 adult children, and one under age child, who has



masterfully created a life for her children after moving from El Salvador that was riddled in war and the effects of war on her village and built a loving home in Worcester, MA. Jackeline equated living in a worn torn war country to treatment in the Worcester Housing court- whether it is or not she believes it.

The most egregious patterns of behavior displayed from Judge Horan when WAFT members came before her for a hearing was difficult to witness, especially after working hard with the person preparing them for court. What we see is Judge Horan being very polite to plaintiff's lawyer, suggesting things that the lawyers may have forgotten to ask for. When she turns to the defendant, she is surprisingly short tempered and rude.

She is known for having a unfriendly and aggravated demeanor with WAFT members. She speaks freely about how she has gone to the AG and other branches of government to stop WAFT from helping other homeowners. She mentioned several times how WAFT is hurting homeowners because of giving bad legal advice.

In Edna Austell's case, Judge Horan in one hearing out of apparent frustration responded to Edna's offer of an affidavit that she did not want to see any more "WAFT affidavits." In fact, when Gerard Hughes needed urgently proof that his home could not have a full rental value given its condition, he naturally reached out to a realtor in the WAFT network. Judge Horan refused to consider it because the realtor had an eviction

case after the illegal foreclosure of his home. Now being a WAFT member means your license as a realtor for decades is no good?

As a Judge, we believed her job was to hear our cases and not have it turn into something about WAFT. People were extremely intimidated and struck with fear standing in front of Judge Horan; they thought they were doing something terribly wrong which created confusion and frustration as they could not effectively argue their case.

But to stand before Judge Horan and try to argue their case only to be cross examined by the Judge on where they received help, diverted and distracted immensely from their argument. Waft members were left with having to defend WAFT rather than their children's (or their) life-long home by arguing their case.

Judge Horan appeared to be able to let members talk if they were Caucasian, blond hair and blue-eyed; unfortunately if you were a person of color or have an accent, she appeared to display disdain in her voice and would not let them argue their case. I was confused by that attitude; I know that she was supposed to not exhibit discrimination, partiality, or stereotype individuals who came before her. It is just one more thing to add to the list of 100's of mistakes made by Judge Horan.

Judge Horan was sometimes obviously disabled by her Multiple Sclerosis, as she was "outside of herself", meaning her

modus of operation was very different. Mostly the Judge was taken over by anger towards, mostly toward the defendant/homeowner. Her skin tone changed, her voice was elevated, and she appeared to be clasping her hands and rubbing them which appeared to show great distress.

Has the disease process influenced her memory? (as one day she asked the clerk which the mortgagee was, and which one was the mortgagor). There are sharp differences in her behavior from day to day. Though we empathize with her condition we felt like her condition has everything to do with her behavior; it was evident when she has a good day or bad day.

Although the petitioners have raised issues of Disabilities and Indigency in the SJC response, these decisions have no mention of a hostile environment. Most impressive was a man named John, who went to the clerks' office to sign in for his hearing and was accompanied by other WAFT members, came out of the office with a very red face, pointed his finger in my face and angrily stated that I, (Cairns) should never go alone to the clerk's office because there was obviously a war between the Clerk Magistrate and WAFT. He again retorted the warning to never go alone. At that moment John decided that after 5 brain tumors, it was not worth his life to be treated like "scum" and risk his life. He walked away that day and never came back.

There has not been a day where WAFT members would show up

at the clerk's office or the court room without support from other WAFT members. When one has gone alone, it was evident that the Clerk took the opportunity to deny the right to file documents in their record or was given advise from the clerk that was incorrect and made it costly to the defendant.

All of this reflects the very hostile environment at the WHC by the Clerk Magistrate and Judge Horan.

I have talked WAFT members back from suicide. I was the last to be with Dennis Murphy - accompanying him and sustaining his hope when he went to Appeals Court to reverse an unaffordable appeal bond order from Horan - before he died that night from the combined stress of years of foreclosure and the summary process case. I was with Peter Thomas as his health worsened quickly between the harassment and literal break-in by the new purchaser post illegal foreclosure and the pro se appearance - literally last to visit his bedside at hospice; I with his adult daughter and ex-wife in court while Judge Horan refused any of them to represent the minor children nor allow time for other representation before she evicted the minor children from their home. Their mother missed that last court date because she wanted to be at the home for the eviction to salvage their belongings from the movers.

Of this I attest and aver that this is true to my recollection of events.

Lori G. Cairns

Lori Cairns  
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Date 5/8/19

**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 #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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