



COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT  
CIVIL ACTION NO. 19-3373 C

STACY FOSTER; JAMIE KIMBALL;  
JONATHAN RILEY; and NICOLE  
WESTCOTT *on behalf of themselves and all  
others similarly situated,*

Plaintiffs,

v.

COMMONWEALTH OF MASSACHUSETTS,

Defendant.

2019 OCT 29 11 A 9:26  
SUFFOLK SUPERIOR COURT  
CIVIL CLERK'S OFFICE

INTRODUCTION

1. By vacating and dismissing with prejudice the wrongful convictions of approximately 36,000 individuals, commonly known as “Dookhan and Farak Defendants,” the Supreme Judicial Court (“SJC”) took an important, first step toward remedying the systemic injustices caused by the Hinton and Amherst Drug Lab scandals. A further step is required, however, to vindicate the rights of the victims of these scandals. As both the U.S. Supreme Court and SJC have held, and as the Commonwealth has publicly acknowledged, due process requires that money paid by individuals based on their now-vacated, wrongful convictions must be returned. This action seeks that class-wide relief.

PARTIES

- 2. Plaintiff Stacy Foster is a natural person who resides in Boston, Massachusetts.
- 3. Plaintiff Jamie Kimball is a natural person who resides in Woburn, Massachusetts.

4. Plaintiff Jonathan Riley is a natural person who resides in Austin, Texas.

5. Plaintiff Nicole Westcott is a natural person who resides in Granby, Massachusetts.

6. Defendant Commonwealth of Massachusetts (“the Commonwealth”) is a sovereign state within the United States of America.

## FACTS

### A. Criminal Debt Collection Practices in the Commonwealth

7. Upon conviction of a drug offense in the state courts of the Commonwealth, defendants are typically required to pay a variety of fees, fines, and other monetary exactions.

8. These fees, fines, and other monetary exactions (collectively, “Case-Related Exactions”) include victim-witness fees, M.G.L. c.258, § 8; probation fees, M.G.L. c.276, §87A; parole fees, § 368 of Ch. 26 of Acts of 2003, § 10 of Ch. 303 of Acts of 2006; DNA collection fees, M.G.L. c.22E, §§ 3 & 4(b); DOE 10800, 459 Mass. 603, 615-16 (2011); court costs, M.G.L. c.280, § 6; Chapter 94C fines and surfines, M.G.L. c.94C, §§ 32(a), 32A(a) & 34; M.G.L. c.280, § 6A; drug analysis criminal assessment fees, M.G.L. c.280, § 6B; driver’s license reinstatement fees, M.G.L. c.90, § 22(f), deleted by § 1 of Ch. 64 of Acts of 2016; post-conviction GPS monitoring fees, M.G.L. c.127, § 144; and restitution, M.G.L. c.258B, § 3(o).

9. Such Case-Related Exactions have commonly been exacted from defendants since “the start of America’s tough-on-crime policies, beginning with the War on Crime in the 1970s and then the War on Drugs in the 1980s.” National Public Radio, *As Court Fees Rise, The Poor Are Paying The Price* (May 19, 2014), <https://www.npr.org/2014/05/19/312158516/increasing-court-fees-punish-the-poor>.

10. “As the criminal justice system expanded to include almost 7 million individuals under correctional control through supervision or incarceration, so did its costs. States – many

facing tight or disappearing budgets – chose to shift the increasing cost burden to defendants instead of picking up the tab.” Lauren-Brooke Eisen & Jessica Eaglin, *Poverty, Incarceration, & Criminal Justice Debt* (Dec. 2, 2014), <https://talkpoverty.org/2014/12/02/criminal-justice-debt/>.

11. “For many years,” the budget for the Commonwealth’s Trial Court “depended, in part, on ‘retained revenue’ from certain fees it collected.” Massachusetts Trial Court Fines & Fees Working Group, *Report to Trial Court Chief Justice Paula M. Carey*, at 4 (Nov. 17, 2016).

12. As former Chief Justice Margaret Marshall once remarked, this budgeting device forced “judges, clerks, probation officers, and court staff [to] add ‘collections agent’ to their job descriptions.” Hon. Margaret Marshall, *At the Tipping Point: State Courts & the Balance of Power*, at 10 (Nov. 10, 2009), [http://www.nycbar.org/pdf/Cardozo\\_post\\_final.pdf](http://www.nycbar.org/pdf/Cardozo_post_final.pdf).

13. According to the U.S. Council on Economic Advisers,

[M]onetary penalties often place a disproportionate burden on poor individuals who have fewer resources available to manage debt. They also serve as a regressive form of punishment as the same level of debt presents an increasingly larger burden as one moves lower on the income scale.

U.S. Council of Economic Advisers, *Fines, Fees, & Bail: Payments in the Criminal Justice System that Disproportionately Impact the Poor* (Dec. 2015), [https://obamawhitehouse.archives.gov/sites/default/files/page/files/1215\\_cea\\_fine\\_fee\\_bail\\_issue\\_brief.pdf](https://obamawhitehouse.archives.gov/sites/default/files/page/files/1215_cea_fine_fee_bail_issue_brief.pdf).

14. In fact, “[s]craping together enough money to pay these types of fees reduce household income and compel[s] people living on very tight budgets to choose between food, medicine, rent, child support, and legal debt.” Boston Bar Assoc. Criminal Justice Reform Working Group, *No Time to Wait: Recommendations for a Fair and Effective Criminal Justice System*, at 48-49 (Sept. 2017) (quotation marks and citation omitted), [http://www.bostonbar.org/docs/default-document-library/no-time-to-wait\\_web.pdf?sfvrsn=2](http://www.bostonbar.org/docs/default-document-library/no-time-to-wait_web.pdf?sfvrsn=2).

15. In his 2015 address on the “State of the Judiciary,” Chief Justice Ralph D. Gants addressed “the various fees” that the Commonwealth’s courts “impose on criminal defendants”:

Indigent counsel fee: \$150. Probation supervision fee: \$780 for one year of supervised probation and \$600 per year for administrative probation. Victim-witness fee: \$90 for a felony, \$50 for a misdemeanor. For an indigent defendant convicted of one felony and sentenced to one year of supervised probation, the fees total \$1,020, more if a GPS bracelet is a condition of probation, because the defendant is required to pay for that, too. A judge may waive payment where the judge finds it would cause undue hardship, but judges must then require community service in lieu of payment, and the probation department must find the defendant an appropriate community service opportunity.

I know that Massachusetts is not unique in the imposition of these fees. At least 44 states impose a probation supervision fee; at least 43 impose an indigent counsel fee. I also know that the revenue yielded by these fees in Massachusetts is not insubstantial: \$21 million in probation supervision fees; \$7 million in indigent counsel fees; about \$2.4 million in victim-witness fees, in all more than \$30 million per year.

But should we not stop and ask: who are we asking to pay these fees? Most are dead broke, or nearly broke. Approximately 75 percent of criminal defendants are indigent. Collection is difficult, and we are asking probation officers to take charge of this collection, and to allege a violation of probation where a defendant fails to pay. And the law requires yet another payment of a \$50 fee when a default warrant is issued because of a defendant’s failure to pay.

Hon. Ralph D. Gants, “State of the Judiciary,” at 9-10 (Oct. 20, 2015).

16. Similarly, in a Senate Committee Report on the “byzantine structure of criminal fines, fees, and assessments” in the justice system, legislators observed that, “as he [or she] moves through the Massachusetts courts, a criminal defendant runs a gauntlet of financial risk”:

[T]he defendant will incur a fee for court-appointed counsel (even if he’s indigent), a fine (if he’s guilty of the underlying crime), a victim/witness assessment (even if the crime is victimless), a monthly supervision fee (if he’s put on probation), a daily monitoring fee (if he has to wear a GPS device), court costs (because

courts are expensive to run), a default fee (if he defaults on a court date), and so on.

Senate Rpt. No. 2504, "Fine Time: Massachusetts: Judges, Poor People, and Debtors' Prison in the 21st Century," at 10 (Nov. 7, 2016).

17. Upon information and belief, accounting for all this revenue fell to understaffed court departments that lacked sufficient time, training, or infrastructure to perform this critical function.

B. The Named Plaintiffs Made Payments in Drug Cases.

*Stacy Foster*

18. On or about November 14, 2005, Stacy Foster ("Foster") pleaded guilty in Suffolk Superior Court to distribution of a Class A substance.

19. The court sentenced Foster to two years in the house of correction, which was suspended, and two years of probation.

20. In connection with that case, the court imposed, and Foster made, one or more the specific Case-Related Exactions referenced in paragraph 8 of this Complaint ("Conviction-Based Payments").

21. In addition, Foster lost his driver's license, and he had to pay fees to reinstate it.

*Jonathan Riley*

22. On or about March 3, 2008, when Jonathan Riley ("Riley") was living in Chelmsford, Massachusetts, he pleaded guilty in Lowell District Court to possession with intent to distribute a class D substance.

23. The court sentenced Riley to one year in the house of correction, which was suspended, and two years of probation.

24. In connection with that case, the court imposed, and Riley made Conviction-Based Payments.

25. In addition, Riley lost his driver's license, and he had to pay fees to reinstate it.

*Jamie Kimball*

26. On or about April 27, 2011, Jamie Kimball ("Kimball") admitted to sufficient facts in Lawrence District Court to be found guilty of possession of a Class A substance.

27. The court entered a continuance without a finding and sentenced Kimball to eighteen months of probation.

28. In connection with that case, the court imposed, and Kimball made Conviction-Based Payments.

*Nicole Westcott*

29. On or about September 14, 2012, Nicole Westcott ("Westcott") appeared in Holyoke District Court and pleaded guilty to possession of a Class A substance.

30. The court sentenced Westcott to six months in the house of correction, which was suspended, and one of probation.

31. In connection with that case, the court imposed, and Westcott made, various Conviction-Based Payments.

C. The Named Plaintiffs and Others Similarly Situated Obtain Post-Conviction Relief.

32. On April 19, 2017, due to the outrageous misconduct of former state chemist Annie Dookhan in the Hinton Drug Lab, the SJC vacated and dismissed with prejudice the wrongful drug convictions of more than 21,000 individuals in Massachusetts, commonly known as "Dookhan Defendants," including Foster, Kimball, and Riley. *See Bridgeman v. District Attorney for Suffolk*

County, 476 Mass. 298 (2017); Declaratory Judgment, SJ-2014-0005 (Apr. 19, 2017) (Gaziano, J.).

33. On June 18, 2018 and March 20, 2019, due to the outrageous misconduct of former state chemist Sonja Farak in the Amherst Drug Lab, the SJC also vacated and dismissed with prejudice the wrongful drug convictions of more than 15,000 individuals in Massachusetts, commonly known as “Farak Defendants,” including Westcott. *See Committee for Public Counsel Services v. Attorney General*, 480 Mass. 700 (2018); Amended Declaratory Judgment, SJ-2017-347 (June 18, 2018) (Gaziano, J.); Amended Declaratory Judgment, SJ-2017-347 (Mar. 20, 2019) (Gaziano, J.).

34. Other Dookhan and Farak Defendants had their tainted convictions vacated and their cases dismissed after the extraordinary misconduct in the Hinton and Amherst Drug Labs was revealed to the public but before the SJC took official action to provide global relief to the victims of those scandals.

C. The Supreme Court and SJC Have Held, and the Commonwealth Has Publicly Acknowledged, that Conviction-Based Payments Must Be Returned to Exonerated Defendants.

35. Meanwhile, on April 19, 2017, the Supreme Court held, in *Nelson v. Colorado*, 137 S. Ct. 1249 (2017), that “[w]hen a criminal conviction is invalidated . . . and no retrial will occur, . . . the State [is] obliged to refund fees, court costs, and restitution exacted from the defendant upon, and as a consequence of, the conviction.” *Id.* at 1252.

36. On February 23, 2018, Foster, Kimball, and Riley filed a civil rights action in federal court on behalf of themselves and similarly situated Dookhan Defendants in which they sought return of their Conviction-Based Payments and other relief. *See Foster et al. v. Commonwealth of Massachusetts et al.*, No. 18-cv-10354-IT (D. Mass.)

37. Since March 2018, undersigned counsel for the putative class and counsel for the Commonwealth have engaged in regular, productive discussions for the purpose of addressing a multitude of complex issues with the goal of identifying areas of agreement, resolving remaining areas of dispute, and achieving a comprehensive global resolution that establishes an efficient, effective, and fair process for returning Conviction-Based Payments to Dookhan and Farak Defendants.

38. On September 6, 2018, with the consent of the Commonwealth, an amended complaint was filed in federal court to include add Westcott as a named plaintiff and to include allegations concerning the Amherst Lab scandal; in that new pleading, Westcott sought return of her Conviction-Based Payments and other relief on behalf of herself and similarly situated Farak Defendants.

39. On October 30, 2018, the SJC recognized that *Nelson* was “controlling authority,” and that as a matter of due process, “Massachusetts courts are required to order the refund of fees, court costs, and restitution paid by a defendant as a consequence of a later invalidated conviction.” *Commonwealth v. Martinez*, 480 Mass. 777 (2018).

D. It Is Undisputed that Certain Categories of Conviction-Based Payments Must Be Refunded.

40. On April 30, 2019, in a joint report submitted to the Single Justice of the SJC, undersigned counsel for the class and counsel for the Commonwealth made the following representations:

. . . 10 categories of case-related payments are refundable to the extent they were made upon and as a consequence of now-vacated Dookhan and Farak-related convictions and would not have been assessed but for the now-vacated convictions. Seven of these categories are payments made in connection with Trial Court proceedings: probation fees; victim-witness assessments or surcharges; court costs; Ch. 94C fines and surfines; drug analysis criminal assessment fees; GPS monitoring costs (to the extent



attributable to post-conviction monitoring); and restitution. The remaining three categories are payments collected by state agencies: DNA collection fees, collected by the Massachusetts State Police; parole supervision fees, collected by the Massachusetts Parole Board; and driver's license reinstatement fees, collected by the Registry of Motor Vehicles at the Massachusetts Department of Transportation.

Status Report Regarding Putative Class Action, Nos. SJ-2014-0005; SJ-2017-347 (Apr. 30, 2019).

41. Upon information and belief, to date, approximately 215 Dookhan and Farak Defendants have filed individual motions for refunds in the trial courts where they were convicted.

42. Like the vast majority of Dookhan and Farak Defendants, Foster, Riley, Kimball, and Westcott have not moved individually for the refund of Conviction-Based Payments; nor have they received refunds for such payments.

43. On a June 13, 2019, in a joint report to the federal court, the Parties broadly outlined a plan to provide class-wide relief to Dookhan and Farak Defendants:

[T]he Parties have made further progress toward negotiating the broad outlines of a procedural mechanism for resolving certain claims in the Amended Complaint on behalf of the putative class of nearly 40,000 individuals. The proposed settlement mechanism under discussion would entail, inter alia, Plaintiffs filing in state court a class action seeking relief regarding certain of Plaintiffs' claims, including exactions for which the Commonwealth Defendants agree that *Nelson v. Colorado*, 137 S. Ct. 1249 (2017), requires the return of money paid by class members (e.g., probation fees and victim-witness fees) under certain circumstances; the parties jointly seeking certification of the putative class in the state action; and the parties working cooperatively to use the state class action to implement a fair and efficient class remedy.

Joint Submission on Class Certification in *Foster*, No. 18-cv-10354-IT (D. Mass. June 3, 2019)

[ECF #47].

### CLASS ALLEGATIONS

44. Pursuant to Rule 23 of the Massachusetts Rules of Civil Procedure, Plaintiffs seek to represent a certified class defined as follows:

all persons (a) who were convicted of state drug offenses; (b) who made Conviction-Based Payments; (c) whose convictions have since been vacated and dismissed without the prospect of re prosecution due to the egregious prosecutorial misconduct of former state chemists Annie Dookhan and Sonja Farak; but (d) to whom the Commonwealth has not refunded the Conviction-Based Payments.

Plaintiffs reserve the right to amend this definition if further investigation and discovery indicates that it should be narrowed, expanded, or otherwise modified.

45. Joinder is impracticable because there are approximately 36,000 Class Members, they are geographically diverse, and their cases were prosecuted in different counties throughout the Commonwealth over the course of nearly a decade.

46. Class Members share common questions of law and fact, including but not limited to whether, and what extent, the Commonwealth has obligations under the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution and/or art. 12 of the Massachusetts

Declaration of Rights:

- a. To notify Class Members that they are entitled to refunds of Conviction-Based Payments;
- b. To implement an efficient, effective, and fair process to determine the proper amounts of all Conviction-Based Payment Refunds; and
- c. To refund all Conviction-Based Payments.

A class action is necessary to generate consistent, common answers to these questions, thereby driving the litigation toward an efficient and fair resolution.

47. By this complaint, Plaintiffs advance claims that are typical of all Class Members, because like all other similarly situated individuals, Plaintiffs are entitled to a refund of all Conviction-Based Payments that they made as result of their now-vacated, wrongful convictions.

48. Plaintiffs have strong personal interests in the outcome of this action, have no conflict of interest with other Class Members, and will fairly and adequately represent the interests

of the Class Members. In supporting their individual claims, Plaintiffs will simultaneously advance the common claims of absent class members.

49. In addition, although the quality of the Commonwealth's recordkeeping may vary from court to court and case to case and individual Class Members may ultimately be entitled to refunds in different amounts, questions of law and fact common to Class Members predominate over any questions affecting individual members and form the nucleus of each Class Member's liability claim.

50. The proposed class action is also superior to other available methods for resolving the common claims of all Class Members, because case-by-case adjudication of claims by individual members will not afford relief to or vindicate the due process rights of all Class Members.

51. Upon information and belief, many Class Members are not aware that they have constitutional rights to refunds of Conviction-Based Payments; many Class Members lack the means to retain private attorneys to represent them in collateral proceedings or other civil rights litigation; the burden and expense of individual adjudication will prevent many Class Members from vindicating their due process rights, given the amount of Conviction-Based Payments; and many Class Members who have suffered the harsh collateral consequences of tainted convictions will continue to decline to pursue post-conviction relief for fear of retaliation and reprisal by prosecutors or other law enforcement officials.

52. Moreover, individual efforts, in courts or otherwise, on behalf of Class Members would risk inconsistent adjudications and/or adjudications which would, as a practical matter, be dispositive of the interests of absent Class Members who were not party to the adjudications.

53. Plaintiffs' counsel have been involved in the litigation concerning the scandals arising from Dookhan's and Farak's misconduct from the outset and possesses the resources, expertise, and experience to prosecute this action on behalf of all Class Members.

**COUNT I**  
**DECLARATORY JUDGMENT**

54. Plaintiffs repeat and re-alleges each and every allegation contained in paragraphs 1 through 53 as if fully set forth herein.

55. An actual and substantial controversy exists between Class Members and Defendant about whether Class Members have due process rights to the return of the Conviction-Based Payments referenced above and how the amount of refunds should be calculated.

56. Declaratory relief will clarify the rights and obligations of the Parties, and, therefore, pursuant to M.G.L. c. 231A, §§ 1-9, is appropriate to resolve this controversy.

**COUNT II**  
**VIOLATION OF MASSACHUSETTS CONSTITUTION, PART II, c. 1 &**  
**MASSACHUSETTS DECLARATION OF RIGHTS, arts. 1, 10 & 12 –**  
**Procedural Due Process**

57. Plaintiffs repeat and re-allege each and every allegation contained in paragraphs 1 through 53 as if fully set forth herein.

58. "The procedural due process protections afforded property interests by the Fourteenth Amendment to the United States Constitution and art. 10 of the Massachusetts Declaration of Rights are subject to the same analysis." *Neff v. Comm'r of the Dep't of Industrial Accidents*, 421 Mass. 70, 80 (1995) (citations omitted).

59. When the criminal convictions of Plaintiffs and the Class Members they seek to represent were vacated and the charges against them dismissed with prejudice, their presumption of innocence was restored and the Commonwealth ceased to have an interest in the Conviction-

Based Payments it collected.

60. As a result of the Commonwealth's retention of money to which it has zero claim of right, Plaintiffs and the Class Members they seek to represent have suffered, and continue to suffer, damage.

**COUNT III**  
**VIOLATION OF MASSACHUSETTS CONSTITUTION, PART II, c. 1 &  
MASSACHUSETTS DECLARATION OF RIGHTS, arts. 1, 10 & 12 –  
Substantive Due Process**

61. Plaintiffs repeat and re-allege each and every allegation contained in paragraphs 1 through 53 as if fully set forth herein.

62. The substantive due process protections guaranteed by the Massachusetts Constitution and Declaration of Rights prohibit the Commonwealth from engaging in conduct that shocks the conscience or interferes with individual rights implicit in the concept of ordered liberty.

63. The Commonwealth has failed to refund all Conviction-Based Payments to Plaintiffs and the Class Members whom they seek to represent, despite clearly established state law that the Commonwealth has no interest in withholding or retaining that money to which Defendant has "zero claim of right."

64. As a result of the Commonwealth's conduct, Plaintiffs and the Class Members whom they seek to represent have been subjected to unfair and arbitrary state action, and thus, they have been deprived of their rights to substantive due process.

**COUNT IV**  
**VIOLATION OF THE FOURTEENTH AMENDMENT  
TO THE U.S. CONSTITUTION  
42 U.S.C. § 1983 – Procedural Due Process**

65. Plaintiffs repeat and re-allege each and every allegation contained in paragraphs

1 through 53 as if fully set forth herein.

66. The Fourteenth Amendment to the U.S. Constitution provides in relevant part, “nor shall any State deprive any person of life, liberty, or property, without due process of law.”

67. When the criminal convictions of Plaintiffs and the Class Members they seek to represent were vacated and the charges against them dismissed, their presumption of innocence was restored and the Commonwealth ceased to have an interest in the conviction-dependent, Conviction-Based Payments it had collected.

68. Nevertheless, the Commonwealth has failed to implement an efficient, effective, and fair process to refund all Conviction-Based Payments to Class Members.

69. As a result of the Commonwealth’s conduct, Plaintiffs and the Class Members whom they seek to represent have been denied any meaningful opportunity to recover their Conviction-Based Payments, and thus, they have been deprived of their rights to procedural due process

**COUNT V**  
**VIOLATION OF THE FOURTEENTH AMENDMENT**  
**TO THE U.S. CONSTITUTION**  
**42 U.S.C. § 1983 – Substantive Due Process**

70. Plaintiffs repeat and re-allege each and every allegation contained in paragraphs 1 through 53 as if fully set forth herein.

71. The Fourteenth Amendment to the U.S. Constitution provides in relevant part, “nor shall any State deprive any person of life, liberty, or property, without due process of law.”

72. The Commonwealth has failed to refund all Conviction-Based Payments to Plaintiffs and the Class Members whom they seek to represent, despite clearly established federal law that the Commonwealth has no interest in withholding or retaining that money to which Defendant has “zero claim of right.”

73. As a result of the Commonwealth's conduct, Plaintiffs and the Class Members whom they seek to represent have been subjected to unfair and arbitrary state action, and thus, they have been deprived of their rights to substantive due process.

**COUNT VI  
CONVERSION**

74. Plaintiffs repeat and re-allege each and every allegation contained in paragraphs 1 through 53 as if fully set forth herein.

75. The Commonwealth has exercised, and continue to exercise, dominion and control over money to which the Commonwealth has zero claim of right.

76. As a result of the Commonwealth's wrongful conduct, Plaintiffs and the Class Members they seek to represent have suffered, and continue to suffer, damages.

**JURY TRIAL DEMAND**

77. Plaintiffs request a jury trial on all causes of action so triable.

**REQUEST FOR RELIEF**

WHEREFORE, Plaintiffs respectfully request that this Court:

78. Certify this action as a class action pursuant to Mass. R. Civ. P. 23, certify Plaintiffs as the representatives of all Class Members, and designate their counsel as counsel for all Class Members;

79. Award equitable relief for Class Members by declaring that Plaintiffs and the similarly situated individuals whom they seek to represent are entitled to the refund of all Conviction-Based Payments and further ordering the Commonwealth as follows:

- a. To notify Class Members of their rights to the refund of all Conviction-Based Payments;

- b. To implement an efficient, effective, and fair process to refund all Conviction-Based Payments;
- c. To conduct a full accounting of all Conviction-Based Payments received; and
- d. To refund all Conviction-Based Payments.

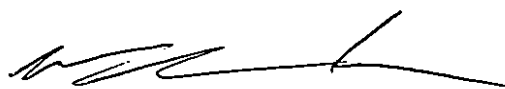
80. Award actual damages to Class Members in the amount of all Conviction-Based Payments by Class Members that have been, and continue to be, unlawfully withheld by Defendants.

81. Award reasonable attorneys' fees, pursuant to Mass. R. Civ. P. 54, as amended, 382 Mass. 829 (1981), and 42 U.S.C. § 1988;

82. Award pre- and post-judgment interest on any award of equitable restitution or monetary damages; and

83. Award other relief that this Court deems just, appropriate, and proper.

Respectfully Submitted,



LUKE RYAN, BBO# 664999  
Sasson, Turnbull, Ryan & Hoose  
100 Main Street, Third Floor  
Northampton, MA 01060  
(413) 586-4800  
lryan@strhlaw.com

DANIEL N. MARX, BBO# 674523  
WILLIAM W. FICK, BBO# 650562  
Fick & Marx LLP  
24 Federal Street, 4th Floor  
Boston, MA 02110  
(857)321-8360  
dmarx@fickmarx.com  
wfick@fickmarx.com

Dated: October 29, 2019