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June 15, 2006

Francis R. Powers, Clerk
Plymouth County Superior Court
1 Court Street
Plymouth, Massachusetts 02360

DRAFT

Attn: Assistant Clerk Adam Bailer
Assistant Clerk John Deady

Re: **Beck vs. DOE PLCV2000-00076**

MOTION OF PLAINTIFFS THAT THE COURT COUNTERMAND ITS ORDER REQUIRING THEM TO RE IMBURSE DEFENDANTS' COSTS, AND, ADDITIONALLY, THAT THE COURT REQUEST OF THE CHIEF JUSTICE OF THE SUPREME JUDICIAL COURT THAT APPARENT ADJUDICATIVE WRONGDOING BE INVESTIGATED, dated April 17, 2006.

Notice of hearing scheduled July 11, 2006.

Dear Mr. Powers:

The undersigned plaintiffs in Beck vs. DOE (PLCV2000-00076) request written confirmation or, as indicated, *refutation* of notice we received in person from Assistant Clerk John Deady of your Brockton office and over the phone from an unidentified cleric at your Plymouth office, that the motion referenced above will be heard on July 11, 2006 as de facto a request for reconsideration of this Court's Decision and Order of February 25, 2002, which allowed summary judgment in defendants' favor.

Plaintiffs have neither directly nor tacitly requested the adjudication reportedly in the offing. Accordingly, we are prepared to address only the two prayers we explicitly stated in our motion.

If defendants were likewise informed of the Court's expansive construal of the motion, then inexplicably they have not yet objected to the prospect of a seeming impromptu third look at their 2001 motion for summary judgment – and possible reversal of a Decision and Order issued hands-down in their favor and upheld on appeal. Plaintiffs are wary lest defendants have received assurances that the upcoming hearing is slated only to rewrite – hence reaffirm on less assailable grounds – an irredeemably tainted process.

In his 2002 ruling, Judge Richard J. Chin qualified plaintiffs as public figures, obliging them to prove that defendants' statements were not only false and damaging, but malicious to boot. Then count-by-count Chin decreed that we had failed to demonstrate such malice – indeed had shown nary one challenged utterance or writing, howsoever acknowledged false by defendants, as conceivably made in wanton or reckless disregard of the truth. In consequence, Chin ruled that none of eighteen instances were actionable.

We will show that Judge Chin's Decision is replete page-after-page with misrepresentations of the record, presumably fabricated by court staff and *ex parte* interlopers to dupe the signatory jurist both as to plaintiffs' public-figure status and defendants' self-evident malice. Fifteen misconstruals – the most griev-

ous of which are visibly wrenched from official administrative and investigative reports – falsely impart validity to, and hence obviate malice in, injurious statements we allege to be either libelous or slanderous.

However, as we intend to bring action against the Superior and Appeals Courts, and SJC on constitutional grounds – and have issued presentment letters to that effect – we propose not to contend judicial error on July 11, but rather to argue only an impropriety of assigning discretionary costs to whistle blowers whose charges of fraud were multiplied many times over in a damning report by the State Auditor, and whose incomes and reputations were gravely damaged in defendants' retaliation – whether by actionable tort or not.

Besides, we already appealed on the merits and lost, notwithstanding that the Appeals Court inappropriately relegated our complex action to its "non-argument list" (for 'less complex cases') allowing a clerk to sophomorically and erroneously affirm this Court's Decision and Order of Summary Judgment, most egregiously after disregarding the manifold distortions we had cited – charitably – as so many 'judicial errors.'

Unless directed by this Court to the contrary, we will scrupulously avoid asserting at hearing that various exhibits were deliberately misconstrued to buttress – lest they materially dispute – defendants' defamatory and exculpatory assertions. Indeed, if the Court insists we tackle the core issues in our case on July 11, we must ponder withdrawing our motion rather than invite a bench that distorted the record twenty-five times in a twenty-three-page process – each instance accruing to defendants' advantage – to go through antics of reconsideration to mask undercutting our prospective legal action. We will, however, point out – per our motion – that fabrications of the record that arguably effected an inapt assignment of costs, let alone tainted Decision, be thoroughly investigated, as your Code of Ethics demands.

Our ultimate goal remains a full, *evidentiary* hearing of our January 24, 2000 Complaint, which we believe the Federal District or Massachusetts Supreme Judicial Court will mandate in lieu of "reconsideration" of the outrageous and unashamed, *non*-evidentiary 2002 Decision and Order of Summary Judgment.

The perpetrators, intent upon keeping our matter away from fact finders, visibly distorted a case record in a court process – compounding wrongs while unwittingly evidencing wrongdoing – to deny us justice.

We anticipate that a thoroughgoing investigation conducted by a master appointed by the SJC or Federal District Court into intrusion in the judicial process will inevitably expose an *ex parte* cabal of defendants, counsels, and clerks, and add a decisive criminal facet to the civil conspiracy we charge.

Respectfully submitted,

David M Beck David L. Higgs Rodney W. Young

Date: June 15, 2006

Copies: Clerk, SJC; attorneys Mark W. Batten, Mark P. Sutliff, and Betsy Ehrenberg.

Attachment: MOTION OF PLAINTIFFS THAT THE COURT COUNTERMAND …, dated **April 17**, 2006

Reference: Plaintiffs' Joint Affidavit Attesting Judicial Corruption, * dated January 1, 2006
[* URL: "http://courtcorruption.wellrock.net": Corruption in the Massachusetts Judiciary].