

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss.

TRIAL COURT
SUPERIOR COURT DEPT.
CIVIL ACTION: **00-0076A**

David M. Beck,)
David L. Higgs and)
Rodney W. Young,)
Plaintiffs,)
vs.)
)
Massachusetts Department of Education [DOE], and)
South Shore Charter School [SSCS], and)
David P. Driscoll, Commissioner of Education, and)
Scott W. Hamilton, (former) DOE Associate Commissioner of Education, and)
Edward Kirby, (former) Acting DOE Associate Commissioner of Education, and)
Timothy Anderson, (former) SSCS Chief Executive Officer, and)
Diane Ellis Miles, (former) SSCS Headmaster, and)
Gregory L. Thornton, (former) Chairman, SSCS Board of Trustees,)
Defendants.)

MOTION OF PLAINTIFFS THAT THE COURT COUNTERMAND ITS ORDER REQUIRING PLAINTIFFS TO REIMBURSE DEFENDANTS' COSTS, AND THAT THE COURT REQUEST INVESTIGATION OF EVIDENT WRONGDOING IN ADJUDICATING THE CASE, OF THE CHIEF JUSTICE OF THE SUPREME JUDICIAL COURT.

1. The Court dismissed the above named case by its Decision and Order of Summary Judgment dated February 25, 2002, which subsequently was upheld in March 2005 by the Appeals Court and, lastly, denied Further Appellate Review by the Supreme Judicial Court the following November. Notwithstanding, the plaintiffs hereby request that this Court eliminate the phrase "with costs" in the edict "It is ORDERED ... [t]hat the Complaint of the Plaintiff(s) ... hereby is DISMISSED ... with costs," thereby relieving plaintiffs of the obligation to reimburse defendants' litigation expenses.
2. Through their attorneys, defendants Gregory Thornton and Timothy Anderson on May 2, 2002 filed with this Court a 50-page "Bill of Costs" in the amount of \$6,422.29. Assistant Attorney General Mark Sutliff, representing defendants David Driscoll, Scott Hamilton, and Edward Kirby, indicated to plaintiffs in writing that following adjudication of the appeal in his clients' favor, a bill of costs would be filed by the Office of the Attorney General. Defendant Dianne Miles, represented by Pyle, Rome, Lichten & Ehrenberg, P.C., has not stated her intention in the same regard.
3. Plaintiffs justify their request for relief by reason of the manifest fraud permeating the adjudication of their action. Remarkably, the Decision and Order itself contains grievous misrepresentations of the record, undoubtedly contrived by clerk(s) of this Court in collusion with *ex parte* intruder(s) in the judicial process, to misinform the summary judgment. Tellingly, all fabrications favor defendants.
4. Moreover, despite a plethora of compelling argument in law and fact, plaintiffs' appeal was relegated to the Appeals Court's "*non-argument* list," whereupon a clerk – in lieu of a judicial panel –

wrote it off with ludicrous arguments. The higher court gave no consideration whatsoever to the manifold misrepresentations and omissions shown by plaintiffs irrefutably to mask disputations of material fact and thereby to rationalize through deceit defendants' motion for summary judgment.

5. The seventeen findings in the Superior Court's Decision and Order misconstrued twenty-five material exhibits and avoided fifty others, all seventy-five documents disputing material facts purported by defendants. In the attached "Joint Affidavit Attesting Judicial Corruption," dated Jan. 1, 2006, plaintiffs focus on four key exhibits, variously paraphrased, misquoted, and disregarded in the Decision. In their 2004 appellate brief plaintiffs exhaustively treated six misrepresentations and nineteen omissions, with no judicial notice documented.

6. Per the Code of Judicial Conduct, plaintiffs demand that this Court review the attached affidavit and relevant records, and – as obliged – call for an immediate investigation into judicial fraud.


Canon 3B(7)(c)(i) "[A] judge shall take all reasonable steps to avoid receiving from court personnel or other judges factual information concerning a case that is not part of the case record."

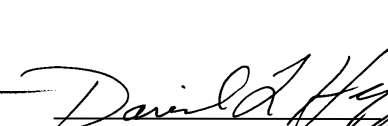
Canon 3D(1) "A judge having knowledge of facts indicating a substantial likelihood that another judge has committed a violation of the Code ... shall inform the Chief Justice of [the Supreme Judicial Court] and of that judge's court"

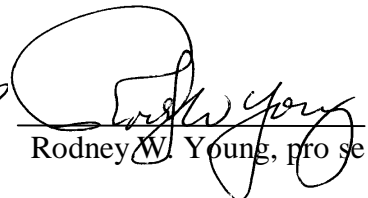
7. Plaintiffs hereby acknowledge contempt for the Massachusetts court personnel who corrupted the adjudication of their matter, to protect powerful defendants. Accordingly, we express our unalterable refusal to reimburse costs incurred by any of the eight defendants – even as mandated in the Decision and Order of Summary Judgment. Plaintiffs challenge the Court to enforce its order by holding a hearing, and, indeed if our outrage cannot prevail, find us in contempt.

8. However, we have no expectation that this Court will act against its self-interest by granting the instant motion or – even less expediently – by holding an enforcement hearing. To avoid exposure of corruption in the public eye, the Court likely has, or soon will have, arranged with the defendants to forego enforcement. Accordingly, Bingham McCutchen LLP; Pyle, Rome, Lichten & Ehrenberg, P.C; and even the Office of the Attorney General – a state agency mandated to pursue monies owing – simply will guard their silence.

Respectfully submitted,


David M. Beck, pro se


David L. Higgs, pro se


Rodney W. Young, pro se

Date: February 17, 2006

Attached: Joint Affidavit Attesting Judicial Corruption,* dated January 1, 2006

[* URL: "http://courtcorruption.wellrock.net": [Corruption in the Massachusetts Judiciary](http://courtcorruption.wellrock.net)]