

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO: 1:15-cv-13297-NMG

BHARANIDHARAN PADMANABHAN MD PhD )

(Dr Bharani) )

- PLAINTIFF )

JURY TRIAL DEMANDED

vs. )

MAURA HEALEY )

STEVEN HOFFMAN )

CHRIS CECCHINI )

ADELE AUDET )

JAMES PAIKOS )

LORETTA KISH COOKE )

JOHN DOES )

JANE DOES )

- DEFENDANTS )

MOTION TO ISSUE CITATION OF CONTEMPT AGAINST  
THE SIX NAMED DEFENDANTS AND COUNSEL MARK SUTLIFF

- 1 The six named Defendants via Counsel Mark Sutliff have opposed Plaintiff Dr Bharani’s Motion to order a sworn affidavit with every one of their pleadings.
- 2 Given that all pleadings filed by attorneys are required to be truthful, it is remarkable that Counsel Mark Sutliff has opposed this request. Opposing the requirement of a sworn affidavit with every pleading counters the requirement of the Court to seek the truth and calls into question the integrity of pleadings and the very existence of this Court.
- 3 Plaintiff sought such an Order only after witnessing a string of blatant misrepresentations masquerading as truthful Government pleadings to this Court, including a Notice (#31).

- 4 Defendants' Co-counsel Mark Sutliff now declares that Plaintiff Dr Bharani did not identify "*the alleged numerous willful factual misrepresentations*" when Plaintiff included full details and attached actual exhibits proving Co-counsel Mark Sutliff had consciously and willfully placed fabrications before this Court.
- 5 In his Opposition (#34), Plaintiff Dr Bharani, *pro se*, explained in detail fifteen (15) separate willful misrepresentations about clear facts and the plain language of the CFAA statute, 18 U.S.C. 1030 *et seq.*, and 105 CMR 700.012, that could in no way have been a simple misunderstanding or an innocent inadvertent error, especially coming from an Assistant Attorney General with over 20 years practice as an attorney.
- 6 The truth in this matter rests with the unequivocal fact-based clear and convincing evidence cited in Plaintiff Dr Bharani's Complaint and Opposition (#34), which cannot be challenged unless Counsel Mark Sutliff is prepared to place further conscious willful fabrications before this Court.
- 7 Counsel Mark Sutliff has done exactly that in Defendants' opposition to an Order for Affidavits wherein Counsel Mark Sutliff submitted in writing:
- "Although Plaintiff asserts the Commonwealth Defendants' counsel could have sent him an email, he fails to refute that he declined to communicate with the Commonwealth Defendants' counsel concerning the case leaving unexplained how a conference would occur."* (#43)
- 8 Even a brief passing glance at Plaintiff Dr Bharani's pleadings and exhibits would plainly show that he has been in email communication with Co-counsel Adam LaGrassa throughout, which automatically means Co-counsel Adam LaGrassa was available for conferring with the Plaintiff Dr Bharani on behalf of the Defendants prior to the filing of

their Motion to dismiss.

- 9 In fact, Plaintiff Dr Bharani had emailed Co-counsel Adam LaGrassa just the day before Co-counsel Mark Sutliff filed their Motion to dismiss. Co-counsel Mark Sutliff *replied* to Plaintiff Dr Bharani's email to Co-counsel Adam LaGrassa *after* filing the Motion to dismiss with this Court. As Plaintiff Dr Bharani has noted in previous motions, this proves that Defendants and Co-counsel Mark Sutliff faced no real inability to confer with Plaintiff Dr Bharani prior to filing their Motion to dismiss. Plaintiff Dr Bharani has previously emailed Co-counsel Adam LaGrassa and he has previously replied by email.
- 10 For an Assistant Attorney General in the Office of Defendant Attorney General Maura Healey to conceal this fact in a pleading to this Court is a willful slight on this Court and personal disrespect to Judge Gorton.
- 11 In a landmark case heard before the Massachusetts Supreme Judicial Court, the court remarked:

*"Oddly and inexplicably, in its written opinion, the board twice misquoted the pertinent statutory language. First, when quoting G.L.c. 112, § 52D, the board omitted the crucial clause, "after due notice and hearing." Then, when quoting G.L.c. 112, § 61, the board ignored the statutory command to discipline a dentist only "after a hearing." The statutes cannot be plainer."*

*Veksler v. Board of Registration in Dentistry, 429 Mass. 711 (1999)*, a case prominently displayed on the SJC website as an example to learn from. See <http://www.mass.gov/courts/court-info/sjc/about/clerks-suffolk-county/single-justice-practice-procedure-gen.html>

- 12 In that case too the 'odd and inexplicable' misquotations and omissions of the plain language of a statute were the direct work of an Assistant Attorney General (John

Bowman that time) from the Massachusetts Office of the Attorney General and virtually identical to the fifteen (15) factual misrepresentations Plaintiff Dr Bharani identified and detailed in his Opposition (#34).

- 13 Defendants and Co-counsel Mark Sutliff have compounded their contempt for judicial procedure and to this Court by filing a Notice and Opposition that placed further conscious willful fabrications before this Court even after Plaintiff Dr Bharani filed clear and convincing evidence-based objections and motions for sanctions.
- 14 The attitude within the Office of now Defendant Attorney General Maura Healey continues to evidence utter contempt for the right of common people to expect that at least the letter of the law and judicial procedure will be followed and that it is the least that the common people deserve.
- 15 Furthermore, the actions of Counsel Mark Sutliff (BBO# 544308) objectively violated Massachusetts Rules of Professional Conduct Rule 8.4 (c), Rule 8.4 (d) and Rule 8.4 (h).
- 16 Even though Plaintiff Dr Bharani is a mere *pro se* Plaintiff, the long cherished judicial principle of equal justice under law requires that he be protected by this Court from orchestrated malfeasance by the Office of Defendant Attorney General Maura Healey.
- 17 Only a citation for contempt by this honorable Court will be an adequate remedy for this ongoing contempt for judicial procedure and the standards of this Court.

WHEREFORE, based on the long-held principle of equal justice under law, Plaintiff Dr Bharani moves this Court to issue a Citation of CONTEMPT against the six named Defendants and Counsel Mark Sutliff as remedy for their ongoing willful defiance, of

court rules and fundamental ethical principles, that disrespect and cheapen the proceedings within this Honorable Court and express total disrespect for Judge Gorton.

### **Request for Oral Hearing**

In the alternative, pursuant to Local Rule 7.1(d) of the U.S. District Court for the District of Massachusetts, Plaintiff Dr Bharani requests an oral argument in the belief it may be of assistance to the Court.

Respectfully submitted,

21 December 2015

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