

**Superior Court of the Commonwealth of Massachusetts
County of Middlesex**

Walter Tuvell

836 Main St.
Reading, MA 01867

Plaintiff, Pro Se

v.

Jack Marshall

2707 Westminster Place
Alexandria, VA 22305

Defendant

Case № 1781CV02701

NOTICE OF TRANSCRIPT

NOTICE OF AUDIO CASSETTE & TRANSCRIPT

Pursuant to MRAP¹ 8(b)(3)(ii),² Plaintiff/Appellant hereby notices the Court/Clerk that: (i) the entirety of the (transcript of the electronic audio recording of the) Hearing of Oral Argument on Defendant's Motion to Dismiss is necessary for inclusion in the record on appeal.

It is further hereby noticed that: (ii) the required so-called audio recording "cassette"³ has already been "ordered"/requested from the Clerk;

¹ Massachusetts Rules of Appellate Procedure, <https://www.mass.gov/law-library/massachusetts-rules-of-appellate-procedure>.

² "If the appellant deems all or part of [any] electronic recording necessary for inclusion in the record, the appellant shall, simultaneously with filing a notice of appeal, order from the clerk ... a cassette copy of the electronic recording, which is hereinafter called 'the cassette.'"

³ MRAP 8(b)(3)(iii) uses the terminology "cassette" to refer to the physical copy/manifestation of the audio recording (see f2 *supra*). Plaintiff/Appellant hereby assumes that, for the purposes of this proceeding, the "cassette" terminology can be (and hereby is) taken/interpreted as a synonym for "physical/logical copy/manifestation (however

and that (iii) the Clerk referred him to the third-party firm (<https://us.court.fm>) which manages such transactions for the Court; and that (iv) said third-party firm has supplied him with the audio recording; and that (v) the MP3 is now posted online at <http://judicialmisconduct.us/sites/default/files/2018-07/MotionToDismissHearing.mp3>.

It is further hereby noticed that: (vi) Plaintiff/Appellant is currently in-process of arranging a written transcription of the audio recording; and further that (vii) he is in-process of making the arrangements with the Clerk and Defendant/Appellee as prescribed by MRAP 8; toward the end of (viii) including the transcript into the record.

instantiated) of audio recording,” couched in now-outdated 1980’s-era technical terminology — which is nowadays superseded/satisfied by more modern technology/terminology, such as “CD” and/or “MP3.” This usage is consonant with the MRAP 8(b)(3)(i) Reporter’s Note (1983) specifying that “[a] major purpose is to facilitate a speedy appeal,” and with the MRAP 8(b)(3)(iii) Reporter’s Note (1983) specifying that “the purpose is to reduce costs.” (After all, it’s only the *transcript* that’s really important for the record on appeal, as forwarded to the Appeals Court, while the *audio recording* is needed only so that the parties can verify/stipulate that the transcript is accurate.) If this assumption is mistaken, Plaintiff/Appellant hereby requests the Court/Clerk to notify him in a timely manner, such that he may rectify his error forthwith.

SIGNATURE; VERIFICATION

Respectfully submitted, and signed, under the pains and penalties of
perjury:



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