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**MASSACHUSETTS APPEALS COURT**

**No. 2018-P-1605**

**Lower Court NO. 1781CV02701**

**MOTION IN OPPOSITION TO APPELLANT'S  
MOTION FOR SANCTIONS**

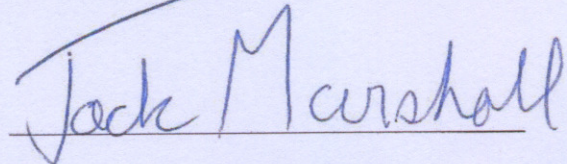
**Walter Tuvell, plaintiff**

v.

**Jack Marshall, defendant**

Appellee hereby moves that Plaintiff's Motion  
for Sanctions be dismissed for failure to state  
a valid cause.

Dated this 7 Day of March, 2019

A handwritten signature in blue ink that reads "Jack Marshall". The signature is written in a cursive style and is positioned above a horizontal line.

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**MASSACHUSETTS APPEALS COURT**

Civil Docket NO. 1781CV02701

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MOTION FOR SANCTIONS**

**Walter Tuvell, plaintiff**

v.

**Jack Marshall, defendant**

**MEMORANDUM In SUPPORT OF  
MOTION IN OPPOSITION TO APPELLANT'S MOTION  
FOR SANCTIONS**

**Walter Tuvell, plaintiff**

v.

**Jack Marshall, defendant**

**FACTS**

1. Plaintiff Walter Tuvell Plaintiff filed Complaint in the case on September 13, 2017.

Defendant Jack Marshall filed Motion-to-Dismiss on October 16, 2017.

Plaintiff filed Opposition to Motion to Dismiss on October 25, 2017.

Oral Argument was held on June 7, 2018.

The Court granted Defendant's Motion To Dismiss on August 13, 2018.

2. On December 13, 2018 Plaintiff/Appellant filed an appeal with the Appellate Court.

The brief was rejected as non-compliant with Court rules. On December 17, 2018 Plaintiff/Appellant filed an amended brief, which was accepted.

3. Appellee filed his brief in response in a timely manner on February 26, 2019, via the electronic filing system.

4. On that date, I received confirmation that a copy of that the brief had been sent to Appellant.

5. On March 4, 2019 I sent via Federal Express a copy of the reply brief to Appellant.

6. It appears that I made several errors. The Certification of Service attached was the wrong copy, and did not include the date or the name of Appellant. However, the statement that I was making service of the document to the self-represented party was true, and such service has been made.

7. Mr. Tuvell claims now that he never received the electronic version. I understood from the notification, and because I had directed the copy to be sent via the electronic filing system, that Mr. Tuvell had received a copy. Nonetheless, I also planned to send him a paper version, and did, though due to miscommunication, the document was not sent when I thought it was, on February 28, but four days later.

It is possible that I misunderstood the notification from the electronic filing system, or somehow did not properly designate that Appellant be sent an electronic copy. I am unfamiliar with the system, and am not a litigator: I have had to contact the customer service for the efileing system. The burden of having to handle the defense of this frivolous

and vexatious lawsuit and appeal has been difficult and time-consuming for me. I apologize for any errors I have made and any inconvenience they have caused, but I have at all times tried to comply with all requirements in good faith

8. Late in the afternoon of March 4, 2019, after the hard copy of Appellee's brief had been handed over to Federal Express, I received the efile notice of Appellant's motion, claiming that I had committed perjury, was in contempt of court, and demanding sanctions, along with the ad hominem attacks and insults that have characterized all of his filings from the beginning.

9. I hope it is unnecessary to state, but I will for the record, that there was and is no reason for me to conduct myself in the manner Mr. Tuvell falsely alleges. I am eager to be rid of this abuse of process on his part, and would do nothing to intentionally prolong it. His initial defamation lawsuit was completely without merit, and was properly dismissed for that reason. His appeal of that ruling, rife with attacks on the judge's

competence and integrity, is similarly devoid of merit. This entire episode is a sad example of pro se abuse and disrespect for the Massachusetts court system. It has all been sparked by Mr. Tuvell's personal animus, as his rhetoric demonstrates, and his evident desire to exploit the legal system as a tool of his personal vendettas. To the extent that I played any part in inadvertently siccing him on the courts, I am deeply sorry.

10. I am a Massachusetts lawyer, currently inactive, and until recently taught the major segment in the court's "Practicing with Professionalism" course for new admittees. I am a nationally recognized legal ethics expert. The client I am representing is myself, and I am satisfied with my representation, having been kept informed of developments in the case, and having my objectives diligently and zealously pursued, while properly preserving my confidential communications. Errors I have made, if any, have been completely inadvertent and *de minimus*. Mr. Tuvell received a copy of my brief in timely fashion, and my declaration that I was sending him the brief was true and accurate.

11. I have no doubt that Mr. Tuvell will soon concoct more spurious Motions and filings in an effort to extend this matter. For now, however, I deny his allegations, and believe that they are self-evidently false.

**CONCLUSION**

For the reasons stated, Appellants Motion For Sanction should be denied.

CERTIFICATE OF SERVICE

Pursuant to Mass.R.A.P. 13(d), I hereby certify, under penalties of perjury, that on March 7, 2019, I have made service of the Motion upon the attorney of record for each party, or if the party has no attorney then I made service directly to the self-represented person by Federal Express on:

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Jack Marshall

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