

COMMONWEALTH OF MASSACHUSETTS

HAMPSHIRE, SS.

CIVIL ACTION NO.
2080CV00117

MARGERIE JESS,

Plaintiff,

v.

SUMMER HILL ESTATES CONDOMINIUM
TRUST and FRANK PUDLO, in his capacity
as Chair of the Trustees of Summer Hill Estates
Condominium Trust,
Defendants.

PLAINTIFF’S EMERGENCY MOTION FOR PRELIMINARY INJUNCTIVE RELIEF

Pursuant to Mass. R. Civ. P. 65 and Superior Court Rule 9A(d)(1), plaintiff Margery Jess hereby respectfully requests that the Court enter preliminary injunctive relief ordering defendants Summer Hill Estates Condominium Trust and the Chair of its Board of Trustees to refrain from imposing or threatening to impose fines on Ms. Jess for displaying a “Black Lives Matter” sign in the garden bed in the common area just outside her unit, on her front door, or on a window of her unit until further order of this Court. This Motion is supported by the Verified Complaint and the Memorandum in Support of this Motion submitted herewith.

As explained in the Memorandum, Ms. Jess has a strong likelihood of success on her claim that Defendants’ impediments to expressing her views at her own home are not equitably reasonable, she is experiencing ongoing irreparable harm, Defendants will suffer no cognizable countervailing harm, and the public interest favors allowing Ms. Jess to express her views at her own home.

Plaintiff respectfully requests that, consistent with the first prayer for relief in the Verified Complaint, the Court issue a short order of notice and schedule a hearing on this matter at its earliest opportunity.

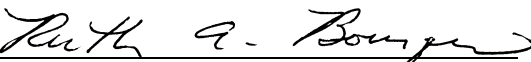
Counsel for plaintiff certify pursuant to Rule 9A(d)(1) that they made a good faith effort to consult with Defendants about this motion prior to its filing, and discussions are ongoing, but Defendants have not yet indicated that they will assent to this motion.

Dated: October 19, 2020

Respectfully submitted on behalf of Plaintiff Margery Jess,

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With the assistance of Rachel Davidson, Harvard Law School Class of 2020, Bar Admission Pending, and Chase Childress, Northeastern University School of Law, Class of 2021.

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of October 2020, I caused this Motion and Memorandum in Support to be served on counsel for Defendants by email (as agreed to with such counsel):

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/s/ Luke Ryan

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