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U.S. DISTRICT COURT
DISTRICT OF MASS.

Matthew Power
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Pro Se

MATTHEW POWER

Plaintiff,

v.

CONNECTWEB
TECHNOLOGIES, INC.,
MICHAEL BEAULIEU, PAUL
BEAULIEU, RUBBER
STAMP CHAMP, INC.,
ANCHOR RUBBER STAMP
& PRINTING CO., INC., THE
J.P. COOKE COMPANY, and
GOOGLE, LLC,

Defendants.

UNITED STATES DISTRICT
COURT FOR THE DISTRICT
OF MASSACHUSETTS

CIVIL ACTION NO.: 1:22-cv-10030-JGD

**PLAINTIFF'S MOTION TO VACATE ORDER ON DEFENDANTS' EMERGENCY
MOTION**

Plaintiff hereby notifies the Court that Plaintiff did not willfully violate any order of the Court. Plaintiff is a *pro se* litigant, and as such, he is denied access to the ECF system, which immediately notifies attorneys of, *inter alia*, the rulings of motions of this Court. Plaintiff could not have violated the Order on Defendants' Emergency Motion (Dkt No. 76) willfully, because due to the delay of United States Postal Service, Plaintiff was unaware that this Court had made a

ruling at all, let alone a ruling favoring Defendants in part. Plaintiff seeks to vacate the Order in its entirety on grounds that it is plainly unconstitutional, and that it harms both Defendants and Plaintiff, making compliance impossible without costing thousands of dollars to each party and wasting precious court resources and time. In support of this Motion, Plaintiff states as follows:

1. On November 9, 2022, Defendants Connectweb Technologies, Inc., Michael Beaulieu, Paul Beaulieu, and Rubber Stamp Champ, Inc. (collectively, the “**Movants**”) filed an Emergency Motion (Dkt No. 73) seeking to stop Plaintiff from, *inter alia*, posting allegedly defamatory statements about Defendants on his website.
2. A hearing on the Motion was held on November 17, 2022 at 3pm, just hours after Plaintiff had been notified by postal mail of the hearing that very day.
3. Plaintiff anticipated that the ruling on the Emergency Motion would only prohibit communication between parties pertaining to this case that was not through pleadings filed with this Court, not a complete ban on communication that would affect other cases currently before other courts involving one or more of the same parties.
4. Before having knowledge that a ruling was issued, Plaintiff sent two emails to Ken Parker, the counsel for Connectweb Technologies, Inc., regarding subpoenas and depositions for a criminal case, in which Attorney Ken Parker would be a witness, and an upcoming civil case, in which Ken Parker would be a defendant.
5. In addition, on November 21, 2022, Plaintiff received two notifications from the United States Postal Service saying that two letters had not been delivered and would be available the next day at the post office. Upon receiving the tracking numbers and determining the original mailing locations of each letter, Plaintiff sent another email to Ken Parker, asking

if one of the letters was sent from him, and Plaintiff stated that he had to assume that the other one - originating from Boston, MA - must have been from the Court and was the ruling of the Emergency Motion.

6. Despite having knowledge that Plaintiff was unaware that a ruling had been issued and Plaintiff had not received the ruling by postal mail to read its conditions, Attorney Ken Parker filed a Motion (Dkt No. 77) claiming that Plaintiff was in violation of the Court's November 18 Order (Dkt No. 76); a copy of the new motion was postmarked on November 22, 2022, before Plaintiff had even received a copy of the ruling of the previous Motion by mail.
7. On November 22, 2022, Plaintiff received the ruling by postal mail; Plaintiff has not attempted to communicate with the Defendants or their counsel from that date forward, in obedience to the court order, despite issues with the overly broad wording of the ruling.
8. The wording of the Order on Defendants' Emergency Motion is overly broad, inconsistent, and unconstitutional in at least two places. Prohibiting ANY communication between Plaintiff and Defendants, or between Plaintiff and counsel for the Defendants, would obstruct justice and would itself be unconstitutional as due process demands that a defendant be able to confront his accuser (Sixth Amendment to the Constitution); a *pro se* defendant must be able to communicate effectively with witnesses, especially accusers, prior to and during trial and to gather evidence from document subpoenas for use at trial. Plaintiff is currently awaiting arraignment for a criminal charge that was based on a report by Attorney Ken Parker where he cast a false light over Plaintiff while at the same time providing a financial incentive to the Swampscott Police Department to target Plaintiff in

such a way to make him physically unable to attend an important hearing for this Court, which would favor Ken Parker's client. Plaintiff must be able to depose Ken Parker as a witness in that case, but he is currently prohibited by this ruling as it stands.

9. Secondly, the order to "not publish ANY further personal information about the Defendants or their principals on the internet while this matter remains pending" (emphasis mine) is unconstitutional as it restricts Plaintiff's freedom of speech guaranteed to him by the First Amendment to the Constitution; it is also overly broad, in that it restricts Plaintiff's ability to report abuses of the Defendants to the appropriate authorities and state agencies who requested that personal information about the Defendants be submitted on their respective websites on the internet. Plaintiff tacitly agreed that he would be amenable to not posting personal information about the Defendants or their principals on his own website. Note that Defendants' Motion was denied in part, because ordering Plaintiff to take down any information posted to his own website was unconstitutional and a violation of the same First Amendment rights; the ruling is therefore inconsistent with itself: if it is unconstitutional to demand Plaintiff to take down the information, it is likewise unconstitutional to prevent Plaintiff from uploading that same information. Plaintiff did not waive his First Amendment right to freedom of speech nor agree to not post any information about the Defendants on the internet in general, which would include private email messages between Plaintiff and law firms; the private email messages to those law firms are generally sent via a form on the law firms' websites, which is submitted on the internet. Due to this order, the Plaintiff cannot comply with the requests of the Federal Bureau of Investigation ("FBI") to turn

over information relating to the data breach affecting thousands of federal employees, including over 14,000 members of the United States military; the Plaintiff likewise cannot assist the FBI concerning their investigation into Connectweb Technologies, Inc. regarding criminal copyright infringement. It could not have been the intention of this Court to silence a key witness for the FBI and all 50 states as they pursue the Defendants for failing to notify their citizens of the data breaches of their personal and financial information, but that is the effect of the Order as it stands.

10. The ruling of this Court ignores the grievances raised by Plaintiff concerning the overlapping of customers shared between Plaintiff and Defendants. Plaintiff is the owner and/or operator of approximately 150 businesses, from which he takes no income or extremely little income totaling a few dollars per year. The companies which the Plaintiff owns collectively have hundreds of millions of customers and hundreds of thousands of employees; there are approximately 3 million customers involved in this suit who are the subject of the Order who may also be customers or employees of one of the Plaintiff's businesses.
11. To restrict Plaintiff's ability to compete by requiring a 14-day notice before contacting any customer shared between Plaintiff and any one of the 3 million customers of the Defendants does not only ensure a monopoly to Plaintiff's competitors, but is itself unconstitutional, as it also restricts Plaintiff's free speech with neighbors, friends, local businesses, law firms, potential employers, and potential or existing clients. The wording of the ruling is as follows, "*The plaintiff shall give the defendants at least 14 days advance notice before contacting any of the defendants' customers...*" To comply with

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