

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION**

DAVID BONIFACE,
NISSANDÈRE MARTYR, and
JUDERS YSEME,
 Plaintiffs,
 v.
JEAN MOROSE VILIENA
(a.k.a. JEAN MOROSE VILLIENA),
 Defendant.

Case No. 1:17-cv-10477-ADB

**PLAINTIFFS’ EMERGENCY MOTION FOR PROTECTIVE ORDER TO BAR
HARASSMENT AND INTIMIDATION OF PARTIES AND WITNESSES**

Pursuant to Fed. R. Civ. P. 26(c) and this Court’s inherent powers, plaintiffs David Boniface (“David”), Nissandère Martyr¹ (“Nissandère”), and Juders Yseme (“Juders”) (collectively “Plaintiffs”) hereby file this motion for an emergency protective order barring any further harassment, intimidation, and/or physical harm of Plaintiffs and witnesses by defendant Jean Morose Viliena (“Defendant”). As grounds for this Motion, Plaintiffs respectfully submit the attached memorandum of law.

WHEREFORE, for the reasons set forth in the memorandum of law, and based on the declarations of Juders Ysemé and Bonnie Lau, Plaintiffs respectfully request that this Court grant their Motion, and enter an Order barring Defendant Viliena from engaging in any actions, either directly or through orders to his agents, designed to intimidate, harass, or physically harm Plaintiffs, their families, or any potential witnesses disclosed as part of Plaintiffs’ initial

¹ On March 24, 2017, one day after Defendant was served with the Summons and Complaint in this matter, original plaintiff Nissage Martyr died suddenly under unusual circumstances. On August 31, 2018, the Court granted Plaintiffs’ motion to substitute Nissandère Martyr, the son of Nissage Martyr, as Plaintiff pursuant to Federal Rule of Civil Procedure 25. (Dkt. 56.)

disclosures pursuant to Fed.R.Civ.P. 26(a)(1) set forth in Exhibit 1. Further, should Defendant continue to violate the Court's order not to threaten or harm Plaintiffs and/or witnesses, Plaintiffs request that the Order provide that they may seek monetary or evidentiary sanctions against Defendant.

Dated: August 6, 2019

Respectfully submitted,

DAVID BONIFACE, NISSANDÈRE
MARTYR, AND JUDERS YSEMÉ

By their attorneys,

/s/ Bonnie Lau

CENTER FOR JUSTICE &
ACCOUNTABILITY

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LOCAL RULE 7.1(a)(2) AND 37.1 CERTIFICATION

I hereby certify that the parties have attempted to meet and confer in good faith to resolve the issues presented in this motion. The parties were unable to meet and confer by telephone to discuss the issues raised in the motion because of the exigency presented by the motion. Counsel for Plaintiffs, however, notified Defendants by email on August 5, 2019 of their intent to file the instant motion.

/s/ Bonnie Lau

CERTIFICATE OF SERVICE

I certify that on August 6, 2019, I caused to be filed electronically a true copy of the foregoing document with the Clerk of the Court using the CM/ECF system, which will notify the parties of record via electronic notification.

/s/ Tony K. Lu