

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR CIVIL COURT DEPARTMENT

Bruce Friedman, A.K.A. OpenCommonwealth.org,
Plaintiff,

v.

The Malden Community Fund Committee , Inc.,
and Maria Luise, Ronald Hogan, Deborah Burke as
individuals,
Defendants,

CIVIL ACTION NO. 2581CV00740

RECEIVED
5/5/2025

PLAINTIFF'S RENEWED MOTION TO DISQUALIFY COUNSEL

Defendant Friedman requests the court to take judicial notice of his status as a Pro-Se litigant, and all relevant case law and guidance regarding his fundamental right to be heard, his entitlement to present his case in court despite his limited legal knowledge, and his right to a fair hearing process that accommodates his self-representation; under the principle of due process under the law. Defendant Friedman asks the court to make reasonable accommodations to help him to understand the proceedings and applicable procedural requirements, secure legal assistance, and be heard according to law and to construe his pleadings liberally.

Comes now, Plaintiff Bruce Friedman of Malden, MA ("Plaintiff Friedman"), Pro-Se, and files Motion to Strike Disqualify Counsel, Ms. Maria Luise, who is also an individual Defendant, and has served and continues to serve as the president and director of the Malden Community Fund Committee, Inc. ("defendant corporation") since its very inception.

Ms. Luise has represented her intentions to represent herself as a named individual defendant, Pro-Se, and she also intends to represent the defendant corporation for which she has served as an officer (the president) and as a director from its very creation in 2019, and then to also represent the remaining two additional individual defendants, Ms. Deborah Burke, Officer

and Director of the defendant corporation and Mr. Ronald Hogan, Officer and Director of the defendant corporation (together other “individual defendants”) both of whom are also officers and directors of the corporate defendant and both of whom have also served in these roles since the very creation of the defendant corporation in 2019. Ms. Luise, Ms. Burke, and Mr. Hogan are the only officers and directors of the defendant corporation and have been so since the inception of the defendant corporation in 2019.

For the following reasons, Ms. Luise should be disqualified as counsel for all but her own pro-se representation.

- Ms. Luise is a necessary fact witness to contested facts before the Court; she will be called to provide testimony which is contested and is not related to the nature and value of legal services rendered in the case, Ms. Luise has not represented the defendant corporation as corporate counsel before. Each one of the remaining individual defendants are well employed in the Mayors Offices of the City of Malden, wherefore the disqualification of Ms. Luise does not work substantial hardship on the other individual defendants. For this reason alone, Ms. Luise cannot serve as counsel to anyone but herself, pro-se.
- Ms. Luise, and the other two individual defendants all serve the Mayor of Malden directly, and during all times relevant to this case, were under the direct influence of the mayor, where Ms. Luise serves as special assistant to the Mayor.
- The corporation is owed a duty of representation with fidelity to its own interests, Ms. Luise simply cannot serve her own interests, the interests of her individual co-defendants and the interests of the corporation.
- Ms. Muise and her individual co-defendants have and continue to owe a strict fiduciary duty to the defendant corporation and questions of financial impropriety exist today, coupled with the evidence available today clearly delineate that the interests of the corporate defendant and its officers are not compatible for Ms. Luise to serve as corporate counsel.
- This case involves the receipt of, disbursement of, and movement of substantial amounts (in excess of \$800,000.00) of public funds, the fiduciary duties of each

individual defendant to the defendant corporation as the only directors of said corporate defendant.

- This case could uncover fraudulent activities of any or all of the individual defendants, including the acts of willfully subverting public knowledge and oversight, subverting city council appropriation and oversight of the public dollars for which they were legally entrusted and contractually obligated.
- The defendant corporation and its officers have directly distributed public dollars to religious organizations in direct and willful contempt of the Massachusetts Anti-Aid Amendment to the Massachusetts Constitution for political gain.
- Ms. Luise has herself, financially transacted most, if not all of the financial transactions of the defendant corporations' monies, many times without the knowledge, input and formal charge to do so by the board of directors of the defendant corporation.

The Massachusetts Rules of Professional Conduct clearly prohibit and preclude Ms. Luise from representing the clearly separate interests of herself, the defendant corporation and the other individual defendants.

Wherefore Plaintiff Friedman hereby requests an immediate hearing on the this Motion to Disqualify Counsel, as his right under Superior Court Rules 9A-9E and that the Court find and Order that Ms. Luise is disqualified from serving as counsel to anyone in the above captioned case with the exception of her self-representation of her own interests, Pro-Se.

Respectfully Submitted

May 4th, 2025

/s/ Bruce Friedman
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of this Motion to Disqualify Counsel was served upon the counsel for the Malden Community Fund Committee, Inc., Ms. Maria Luise; maluise@boslaw.net and to counsel for defendant Maria Luise, Ms. Maria Luise; maluise@boslaw.net and to counsel for defendant Deborah Burke, Ms. Maria Luise; maluise@boslaw.net and to counsel for defendant Ronald Hogan, Ms. Maria Luise; maluise@boslaw.net electronically via email and through E-file and Serve.

Dated: May 4th, 2025