

**COMMONWEALTH OF MASSACHUSETTS
THE SUPERIOR COURT**

WORCESTER, ss.

DOCKET No.15-CV-1904-D

BRUCE BOGUSLAV AND LINDA BOGUSLAV

v.

BLB TRADING, LLC

MEMORANDUM OF DECISION AND ORDER

This matter came before me on Mr. and Mrs. Boguslav's motion for a preliminary injunction to stop foreclosure proceedings on a house they have occupied for over nine and a half years and on which they were obligated to make monthly mortgage payments, but instead, have utterly failed to make any monthly payment in nearly a decade. In short, they ask this Court to render equity when they have defaulted well over 100 times on their promissory note.

In a hearing conducted on the plaintiffs' plaint for justice, they admit that they have set little aside (some \$40,000, at the most) to dedicate to their underlying indebtedness and instead, complain that they do not know to whom to make their mortgage payments. This complaint is insincere at best. Instead, Mr. and Mrs. Boguslav have "gamed" the system of justice for nearly a decade, declaring bankruptcy and fraudulently transferred ownership on multiple occasions to avoid foreclosure. This Court will not countenance such a mockery of the law.

The plaintiffs claim that the defendant BLB Trading, LLC has failed to comply with applicable foreclosure statutes; yet the defendant's opposition memorandum has demonstrated scrupulous compliance with such laws, detailing every single act.

Moreover, the defendant has raised the issue of *res judicata*, by calling this Court's attention (which the plaintiffs conveniently fail to mention) a federal court's decision on issues on which the plaintiffs ask this Court to decide.

ORDER

Accordingly, the plaintiffs' request for injunctive relief is **DENIED**; they have no likelihood of prevailing in this lawsuit. To the contrary, given the set of facts outlined in the defendant's memorandum, this Court schedules a prompt hearing on a motion to dismiss on the issue of *res judicata*, for Tuesday, December 29, 2015 at 2 pm at which time each side may submit memoranda of law. There will be no continuance of this hearing date and time.

BY THE COURT,

DENNIS J. CURRAN
Associate Justice

December 21, 2015 at 9:30 am.