

2004 WL 5367247 (Mass.Super.) (Trial Pleading)
Superior Court of Massachusetts.
Essex County

Chester J. CHALUPOWSKI, Jr. Individually, as Power of Attorney for Mary Jane Chalupowski, as Trustee of the 26-30 Andrew Street Realty Trust, as Beneficiary of the 26-30 Andrew Street Realty Trust and Malgorzata B. Nabialczyk, Plaintiffs,

v.

Donna M. CHALUPOWSKI, Defendant.

No. ESCV200400879.
2004.

Complaint and Request for a Jury Trial

ESSEX, SS

Introduction

The Defendant, Donna M. Chalupowski, residing at 26 Andrew Street in Salem, Massachusetts, is a daughter of Mary Jane Chalupowski and a sister of Chester J. Chalupowski. Malgorzata B. Nabialczyk, MD, PhD is Chester Chalupowski's fiancée. Between 1990 and present, Donna M. Chalupowski filed or caused to be filed multiple lawsuits and court actions against every member of her immediate family: her mother, Mary Jane; her brother, Chester; her cousin, Joseph Chalupowski, Jr.; her sister, Judith Chalupowski-Venuto; her brother-in-law, Frank Venuto; and against Chester's fiancée, Dr. Malgorzata Nabialczyk.

Said multiple lawsuits and court actions were filed by Donna Chalupowski with: Salem District Court, Peabody District Court, Essex County Superior Court in Salem, Essex County Probate and Family Court in Salem, and Appeals Court in Boston.

Donna Chalupowski's multiple, often overlapping, lawsuits and court actions targeted at her family members, gave rise to a protracted, multifarious, vexatious litigation. Consequently, all of her targets have suffered devastating, often irreparable, emotional trauma, disruption of their personal and professional lives, severe financial loss, and damage to their reputations. In fact, as a result of Donna Chalupowski's actions, the Chalupowski family, once highly regarded, has become an object of ridicule within the local community.

FACTS

1. In March 1990, Donna Chalupowski, on the basis of accusations that she knew to be false, obtained a restraining order against her brother, Chester, residing at the time at 30 Andrew Street in Salem. The initially short-term restraining order was renewed several times in 1991 and 1992. In October 1993, Donna Chalupowski obtained a new restraining order against Chester, by making false allegations going back to 1990 and 1991. Consequently, Chester was forced to leave his home of 38 years at 30 Andrew Street. Since 1993, Donna Chalupowski has sought and obtained a renewal of said restraining order, which has been in force continuously from that time to the present.
2. In or about 1991, Donna Chalupowski, on the basis of accusations that she knew to be false, obtained a restraining order against her cousin, Joseph Chalupowski, Jr., residing at the time at 26 Andrew Street in Salem. As a result, Joseph and his

elderly mother, Elvera Chalupowski, both terminally ill, were forced to leave their home of over 40 years, and moved to the public housing facilities in Peabody, where they both died in October and November of 1994.

3. In 1992, Donna Chalupowski, on the basis of accusations that she knew to be false, obtained a restraining order against her brother-in-law, Frank Venuto, residing at 10 Hampton Court in Lynnfield, MA. In July 1992, Donna persuaded Judith to obtain a restraining order against her husband, Frank Venuto, as well. As a result of this advice, Frank Venuto, filed for divorce the next day after being served 209A. ¹ In the course of a contentious unending divorce, Judith (who lost her home in Lynnfield, her job, and the custody of her two children) has been suffering from depression, anxiety, and intermittent memory loss. ²

4. On October 21, 1993, Donna Chalupowski, filed with the Essex County Superior Court in Salem a lawsuit without merit against her brother, Chester, accusing him of “stealing” \$176,000 from his mother. Despite being fully aware of a legal and valid Annuity Agreement between Chester and his mother, Donna Chalupowski accused Chester of “conversion, fraud and deceit.” While making these accusations, Donna Chalupowski purported to act on her mother's behalf as “next friend,” despite the fact that Mary Jane was neither an infant nor an incompetent individual.

5. On October 22, 1993, an article about the lawsuit against Chester was published in *The Beverly Times*. ³ The statements published in the local newspaper severely damaged Chester's reputation. Chester's career as an accomplished real estate and health insurance broker, which was dependent on good reputation among local businesses and community, was seriously damaged.

6. On October 27, 1993, Donna Chalupowski sought and obtained an ex parte attachment against real estate which Chester individually owned. As a result, Chester was unable to refinance his two multifamily buildings, pull the equity out and close on several other buildings he had the purchase and sale agreements pending. Consequently, Chester suffered considerable financial loss.

7. In or about January 1994, Donna Chalupowski contrived to chase away Reva Meyer, a good tenant of many years, from the four-family building at 26 Andrew Street. ⁴ Since then, Donna Chalupowski has worked to keep the entire building vacant, other than the one unit which she occupies (while using another two-bedroom unit for storage) rent-free together with her live-in boyfriend, Daniel Winsky. Not until May of 1997, did Chester, after hiring a management company, manage to generate some income for the trust by renting units to low-income tenants willing to tolerate Donna Chalupowski's and Daniel Winsky's violent, antisocial behavior.

8. On February 10, 1994, in a desperate attempt to correct the fatal flaw of lack of standing of her Superior Court action, Donna Chalupowski filed with the Essex County Probate and Family Court a claim against her own mother, Mary Jane Chalupowski. Donna was seeking to have her mother, (a vivacious, fully cognizant **elderly** lady) declared incompetent. Donna (a severely impaired violent alcoholic) petitioned the court to be appointed her mother's conservator.

9. As a result of Donna Chalupowski's petition for conservatorship, her mother, Mary Jane, was subjected to the trauma and humiliation of numerous mental evaluations.

10. In the course of these evaluations, Donna Chalupowski obtained several dubious affidavits purporting to show Mary Jane to be incompetent. Donna Chalupowski filed these dubious affidavits repeatedly in various courts.

11. As a result of Donna Chalupowski's petition (however groundless), between April 4, 1994 and December 4, 1994, a temporary conservator was appointed for Mary Jane. During his appointment, said conservator did nothing to conserve Mary Jane's assets. Instead, he accumulated substantial legal fees while wasting and trying to distribute said assets.

12. On October 5, 1995, Donna Chalupowski filed her second Superior Court action, this time against both her mother, Mary Jane and her sister, Judith, seeking to have them removed as co-trustees of the Chalupowski Realty Trust, and asking the court that she, Donna, be appointed a trustee of said trust.⁵

13. After failing to become a trustee of the family trust, on October 20, 1995, Donna Chalupowski filed with the Superior Court her petition to be appointed a Guardian ad Litem for her mother.

14. Faced with Chester's opposition to having a severely impaired, violent alcoholic (notoriously held by the Salem Police in protective custody for being intoxicated in public) appointed a Guardian ad Litem, Donna Chalupowski contacted Health and Education Services, Inc., and reported her mother as an **elderly abuse** case.

15. On November 17, 1995, Health and Education Services, Inc. filed with the Probate Court a petition to investigate the "**elderly abuse**" of Mary Jane Chalupowski. The petition was based on false allegations made by Donna Chalupowski.

16. On December 5, 1995, the Health and Education Services, Inc., prompted by Donna Chalupowski, filed yet another (third) Probate Court action seeking to have Mary Jane Chalupowski declared incompetent, in order to have a conservator appointed for her again.

17. During the December 5, 1995, hearing at the Probate and Family Court in Lawrence, (of which opposing party received no notice), Donna Chalupowski committed a fraud on the court by stating that her mother, her brother, and their attorney were notified about the hearing and failed to appear. As a result of this hearing, a Guardian ad Litem was appointed, and yet another petition for conservatorship over Mary Jane was filed.

18. During the January 30, 1996, hearing at the Probate and Family Court in Lawrence, also with no notice to the opposing party, Donna Chalupowski committed a fraud on the court by stating that her mother, her brother, and their attorney were notified about the hearing and failed to appear. As a result of this hearing, a conservator was appointed for Mary Jane.

19. During the February 23, 1996, hearing at the Superior Court in Lawrence, again with no notice to the opposing party, Donna Chalupowski committed a fraud on the court by stating that her mother, her brother, and their attorney were notified about the hearing and failed to appear. As a result of this hearing, Donna's first Superior Court case, finally dismissed for lack of standing on December 18, 1995, was put back on a trial list.

20. During the Probate Court hearing on June 27, 1996, Donna Chalupowski in person and through her Attorney, Joseph P. Corona of Salem, made numerous false and deleterious statements in an open court regarding her mother, Mary Jane, her sister, Judith, and her brother, Chester. However, despite Donna Chalupowski's efforts to mislead and confuse the court, all three Probate Court cases were dismissed.

21. On July 31, 1996, Donna Chalupowski filed with the Probate Court in Salem yet another groundless complaint, for contempt, alleging that Chester failed to provide certain accounting ordered by the court, despite the fact that said accounting was provided on the day ordered by the court, which was July 30, 1996.

22. On September 9, 1996, Donna Chalupowski, through her Attorney, Joseph P. Corona of Salem, offered to withdraw said contempt and to stop filing any other actions against her family altogether, provided Chester agreed to pay \$15,000 to Joseph Corona. Chester did not agree to accept this extortive offer.

23. After losing all three of her Probate Court actions (dismissed by the Probate Court Order dated July 3, 1996, and amended on October 30, 1996), voluntarily dismissing her first Superior Court action (September 11, 1996), and abandoning her second Superior Court action (dismissed for lack of prosecution on August 7, 1997), Donna Chalupowski shifted the focus of her attacks against her family members to a different venue, the District Court in Salem.

24. Here, Donna Chalupowski managed to maintain and re-maintain her restraining order against her brother, Chester. Each year, she obtained the extension of the order by making the same false allegations going back to 1991.

25. On October 15, 1996, Donna Chalupowski being in an intoxicated state assaulted Dr. Malgorzata Nabialczyk at her residence at 119 Water Street in Beverly, MA. Dr. Nabialczyk filed criminal complaint against the assailant, Donna Chalupowski. This claim was dismissed on November 7, 1996, during a District Court hearing about which Dr. Nabialczyk was not notified.

26. On May 30, 1997, Donna Chalupowski filed with the District Court in Salem a false allegation of a restraining order violation against Dr. Malgorzata Nabialczyk. Despite the fact that there was never a 209A against Dr. Nabialczyk, Donna Chalupowski, relying on her cordial rapport with certain Salem District Court employees, managed to obtain a hearing on her false claim. Dr. Nabialczyk had to appear for the hearing and hire a counsel to argue the frivolous case. Oddly, a copy of the false claim of a 209A violation was sent to Dr. Nabialczyk's place of employment and found its way to her personal file. Consequently, Dr. Nabialczyk's reputation at her workplace was seriously damaged.

27. In or around the summer of 2000, Donna Chalupowski, by making false accusations, sought and obtained yet another restraining order against her family member, this time against her (still traumatized by her divorce) sister, Judith Chalupowski-Venuto.

28. In December, 2000, Donna Chalupowski started filing with the Probate and Family Court in Salem a new series of groundless, repetitious actions against every member of her immediate family: her mother, Mary Jane, her sister, Judith, and her brother, Chester. Two new lawsuits, filed on December 26, 2000, were followed by one more new action filed on January 5, 2001, and yet another one, filed on February 22, 2001. The claims contained in Donna Chalupowski's new actions had already been heard by the court and adjudicated or otherwise voluntarily dismissed, some of them more than once.

29. On November 23, 2001, Donna Chalupowski filed charges of assault and battery against her sister, Judith. Consequently, Judith was arrested by the Salem Police and put into protective custody. The charges proved to be false.

30. After three out of her four new pending Probate Court cases, were dismissed on December 14, 2001, Donna Chalupowski filed her notices of appeal. However, having done this, Donna Chalupowski abandoned her appeal, and did not follow any of the applicable rules of appellate procedure, and for over 11 months let her appeal sit dormant. The "appeal" remains of the docket.

31. In November 2001, Chester obtained a judgement for possession on his summary process action to evict Donna from the trust premises. Donna appealed to the Superior Court. In February 2002, despite being explicitly informed by the District Court Judge that District Court summary process judgments are appealable only to the Appellate Division of the District Court, Donna Chalupowski, mislead the court, circumvented the proper appellate procedure and obtained a stay of the District Court summary process judgment from the Appeals Court.

32. Despite the fact that three out of the four new Probate Court cases were dismissed on December 14, 2001, Donna Chalupowski, since then on, has been filing her pleadings related to her only pending case under all four docket numbers (one correct and three belonging to the cases already dismissed). In this way, Donna Chalupowski managed to deceive and mislead the court.

33. On or before May 31, 2002, Donna Chalupowski misrepresented the facts to the Appeals Court in Boston, and without authority to do so, changed the name of the plaintiff in the Appeals Court file from: "Donna Chalupowski," to: "Donna Chalupowski next of friend for Mary Jane Chalupowski." Donna Chalupowski made this change despite the fact that her mother, Mary Jane, was the defendant in the underlying trial court actions, and despite the fact that her mother never authorized her to take any legal actions whatsoever in her behalf.

34. On July 31, 2002, Donna Chalupowski committed a fraud on the court by filing with the Appeals Court in Boston, two handwritten affidavits dated June 10, 2002, and June 17, 2002. Said affidavits were presented to the Appeals Court as written and signed by Mary Jane Chalupowski. Mary Jane Chalupowski in private and in front of certain court officers categorically denied ever seeing, let alone writing or signing, these affidavits.

35. In the summer of 2002, Donna Chalupowski repeatedly interfered with Chester's efforts aimed at converting his individually owned multifamily buildings into condominiums, by trespassing upon the property, removing signs and listing sheets from said property, and by making unwarranted claims with the City of Salem Office of the Building Inspector. Consequently, Chester, unable to finalize his conversion project in time, suffered serious monetary damages.

36. In the summer of 2002, Donna Chalupowski's restraining order against her brother was modified allowing Chester, and his agents, to enter the premises at 30 Andrew Street to provide care and assistance to his mother residing at the above address. Pursuant to this modification, Dr. Malgorzata Nabialczyk, started to provide care to Mary Jane on a regular basis. On numerous occasions, while attending to Mary Jane's needs, both Mary Jane Chalupowski and Dr. Nabialczyk were exposed to Donna Chalupowski's violent outbursts of obsessive, irrational anger, and harassing, insulting behavior.

37. On September 8, 2003, Donna's constant **abuse** and acts of harassment escalated to a violent assault on both 83-year-old Mary Jane, and Dr. Nabialczyk. Charges regarding both assaults were filed with the District Court in Salem. During two hearings before the Clerk Magistrate, Donna Chalupowski obtained a 3-month continuance (on October 27, 2003, till January 26, 2004, and on February 12, 2004, till May 14, 2004). As of October 27, 2003, Donna Chalupowski was instructed to stay away from her mother's residence when Malgorzata and/or Chester were visiting. Nevertheless, Donna still violated the specific court order on several occasions.

38. In July 2003, Donna Chalupowski, through an attorney, Joseph P. Corona, demanded that Chester paid the sum of \$50,000.00 to Joseph Corona, (which supposedly represented the amount of her outstanding legal fees owed to Joseph Corona).

39. On or about November 20, 2003, Judith Chalupowski-Venuto was arrested on charges of assault and battery filed by her sister, Donna. As a result of Donna's accusations, Judith spent over 3 months in involuntary confinement in Tewksbury.⁶ Donna's charges against Judith proved to be false.

40. On December 30, 2003, during a deposition taken by Chester Chalupowski, Donna Chalupowski, being under oath, made numerous false statements regarding many grievous matters, e.g.: the facts of the litigation against all her family members perpetrated by her for the last ten years, the reason why Judith was detained in Tewksbury, etc.

41. On January 5, 2004, Donna Chalupowski, contriving to mislead and deceive the court, filed with the Superior Court in Lawrence a 4-page Affidavit. In said Affidavit, Donna Chalupowski repeated many of the previously made false and fraudulent statements and accusations. She also admitted full responsibility for her role in all the actions Joseph P. Corona (the attorney representing or otherwise supporting her in *all* the lawsuits against her family) is being sued for in the separate Superior Court action filed against him by Chester J. Chalupowski.

42. On February 6, 2004, Dr. Malgorzata Nabialczyk was assaulted by an armed individual in a public place in Beverly. The assailant made a comment, which can be interpreted as indicating that the threat was related to her involvement with the Chalupowski family litigation. The incident was reported to the Beverly Police.

43. On February 23, 2004, Donna Chalupowski, acting with an intention to mislead and deceive the court, filed with the District Court in Salem, her "request for a review" of the existing restraining order. In her hand-written request as well as during the subsequent District Court hearing on March 1, 2004, Donna Chalupowski made false allegations concerning Dr. Nabialczyk's behavior. Consequently, the District Court Judge, openly eager to accommodate Donna Chalupowski's 'request for

help,' modified the restraining order by limiting to 2,5 hours daily the time when Chester Chalupowski and/or Dr. Nabialczyk are allowed to be present at 30 Andrew Street.⁷

44. As a result of Donna Chalupowski's actions, on June 12, 2003, yet another guardian ad litem was appointed for her mother, Mary Jane Chalupowski. On October 24, 2003, after conducting an investigation, said guardian ad litem, filed his report and (concluding that his involvement was unnecessary) asked the Court to vacate his appointment. However, the guardian's appointment was not vacated. On May 6, 2004, said guardian ad litem visited Mary Jane at her day care center. Mary Jane, traumatized by the encounter, spent a sleepless night calling her son, Chester, over and over again asking him to tell "this stranger" who claimed "to be concerned about her welfare" to never bother her again. Due to Donna's restraining order, Chester was unable to comply with his 84-year-old mother's repeated request to come to her house and console her in person.

45. IN CONCLUSION: Since or before 1989, Donna Chalupowski has been residing at 26 Street in Salem, Massachusetts. Said building is a part of the realty trust the sole trustee of which is Chester J. Chalupowski, Jr., the Plaintiff in this action. In March of 1990, Donna Chalupowski sought and obtained a restraining order against the Plaintiff. Since that time to the present Donna Chalupowski sought and obtained a renewal of said restraining order. Shortly after the first restraining order was issued against Chester Chalupowski, the Defendant stopped paying rent to the trust for her apartment. The Defendant has failed to pay rent up to this date. Any attempts undertaken by the Plaintiff to exercise his responsibilities as Trustee of 26 Andrew Street have resulted in the Defendant seeking to charge the Plaintiff with a violation of said restraining order. In this way the Defendant is extorting from the Trust free accommodation, she is not entitled to, for herself and for at least one other person living with her without paying rent. The Plaintiff believes and therefore avers that the Defendant has not sought to maintain the restraining order, or all other actions filed by her over the years against her family members, for any lawful purposes but to secure a rent-free accommodation for herself and her live-in boyfriend, Daniel Winsky. While occupying at no cost in fact the entire 4-family building, Donna Chalupowski and Daniel Winsky, by violently assaulting anybody who tries to enter the trust premises (contractors, prospective tenants), deliberately and maliciously interfere with any and all efforts of the Trustee to manage the trust property. In fact, Donna Chalupowski keeps hostage the entire trust property - the 4-family building at 26 Andrew Street and the 3-family at 30 Andrew Street. Consequently, the Trust's loss of income, solely attributable to the Defendant's violent, irrational, antisocial behavior, totals over \$10,000.00 a month. As a result of Donna Chalupowski's actions, apart from the enormous financial damages in unrealized rental income and lost professional and investment opportunities, the Plaintiffs suffered irreparable harm to their reputation, serious health problems, and devastating emotional trauma.

COUNT ONE

(Abuse of Process, One)

46. The Plaintiff, Chester Chalupowski, Jr., hereby reiterates and incorporates the allegations contained in paragraphs 1 through 44 of the Complaint.

47. The Plaintiff, Chester J. Chalupowski, Jr., believes and therefore avers that the allegations contained in paragraphs 1, 23, 24, 43, and 45, constitute **abuse** of process.

WHEREFORE, the Plaintiff, Chester Chalupowski, Jr., request that this Honorable Court grant him the following relief:

- a. All attorney fees paid by the Plaintiff in defending against the restraining orders obtained and maintained against him by the Defendant.
- b. Compensation for loss of time in defending against said restraining orders.
- c. Compensation for loss of business reputation.

- d. That the Court grant the Plaintiff a temporary restraining order enjoining the Defendant from proceeding in all her actions which constitute **abuse** of process, and from filing any new such actions.
- e. That the Court grant the Plaintiff permanent injunctive relief enjoining the Defendant from proceeding in all her actions which constitute **abuse** of process, and from filing any new such actions.
- f. That the Court grant the Plaintiff such other relief as may be just and proper.

COUNT TWO

(Abuse of Process, Two)

- 48. The Plaintiff, Dr. Malgorzata Nabialczyk, hereby reiterates and incorporates the allegations contained in paragraphs 1 through 40 of the Complaint.
- 49. The Plaintiff, Dr. Malgorzata Nabialczyk, believes and therefore avers that the allegations contained in paragraphs 26 and 43 constitute **abuse** of process.

WHEREFORE, the Plaintiff request that this Honorable Court grant her the following relief:

- a. All attorney fees paid by the Plaintiff in defending against actions brought against her by the Defendant.
- b. Compensation for loss of time in defending against said actions of the Defendant.
- c. Compensation for loss of business reputation.
- d. That the Court grant the Plaintiff permanent injunctive relief enjoining the Defendant from proceeding in all her actions which constitute **abuse** of process, and from filing any new such actions.
- e. That the Court grant the Plaintiff such other relief as may be just and proper.

COUNT THREE

(Abuse of Process, Three)

- 50. The Plaintiffs, Chester J. Chalupowski, Jr., and Mary Jane Chalupowski, hereby reiterate and incorporate the allegations contained in paragraphs 1 through 44 of the Complaint.
- 51. The Plaintiffs, Chester J. Chalupowski, Jr., and Mary Jane Chalupowski, believe and therefore aver that the allegations contained in paragraphs 4, 6, 8, 12, 13, 15, 16, 21, 28, 30, 31, and 44 constitute **abuse** of process.

WHEREFORE, the Plaintiffs request that this Honorable Court grant them the following relief:

- a. All attorney fees paid by the Plaintiffs in defending against multiple lawsuits and court actions filed against them by the Defendant, Donna Chalupowski.
- b. Compensation for loss of time in defending against said lawsuits and court actions.
- c. All legal fees paid by the Plaintiffs in bringing the action at hand.

- d. Compensation for loss of time in brining the action at hand.
- e. Compensation for loss of business and community reputation
- f. That the Court grant the Plaintiffs permanent injunctive relief enjoining the Defendant from proceeding in any pending actions which constitute **abuse** of process, and from filing any new such actions.
- g. That the Court grant the Plaintiffs such other relief as may be just and proper.

COUNT FOUR

(Fraud on the Court, Multiple)

52. The Plaintiff, Chester J. Chalupowski, Jr., hereby reiterates and incorporates the allegations contained in paragraphs 1 through 44 of the Complaint.

53. The Plaintiff, Chester J. Chalupowski, Jr., believes and therefore avers that the allegations contained in paragraphs 17, 18, 19, 20, 31, 32, 33, 34, 40, 41, and 43 constitute fraud on the court.

WHEREFORE, the Plaintiff, Chester J. Chalupowski, Jr. requests that this Honorable Court grant him the following relief:

- a. All attorney fees paid by the Plaintiff in defending all the actions containing any and all instances of fraud on the court committed by the Defendant.
- b. Compensation for loss of time in defending against said actions.
- c. All legal fees paid by the Plaintiff in brining the action at hand.
- d. Compensation for loss of time in brining the action at hand.
- e. Compensation for loss of business and community reputation.
- f. That the Court grant the Plaintiff permanent injunctive relief enjoining the Defendant from proceeding in all her actions which contain instances of fraud on the court.
- g. That the Court grant the Plaintiff such other relief as may be just and proper.

COUNT FIVE

(Waste and Fraud)

54. The Plaintiff, Chester J. Chalupowski, Jr., as the Trustee and Beneficiary of the 26-30 Andrew Street Realty Trust, hereby reiterates and incorporates the allegations contained in paragraphs 1 through 44 of the Complaint.

55. The Plaintiff, Chester J. Chalupowski, Jr., as the Trustee and Beneficiary of the 26-30 Andrew Street Realty Trust, believes and therefore avers that the allegations contained in paragraphs 7, 45 constitute actionable waste and fraud.

WHEREFORE, the Plaintiff, Chester J. Chalupowski, Jr., requests that this Honorable Court grant him the following relief:

- a. Order the Defendant, Donna Chalupowski to compensate the 26-30 Andrew Street Realty Trust for the lost rental income in the amount of \$655,000.00 (six hundred fifty five thousand dollars).
- b. All attorney fees incurred in bringing all the actions seeking to stop said waste, and in this action seeking to recover the loss.
- c. Compensation for loss of time in bringing said actions.
- d. All legal fees paid by the Plaintiff in brining the action at hand.
- e. Compensation for loss of time in bringing the action at hand.
- f. Compensation for loss of business and community reputation.
- g. That the Court grant the Plaintiff permanent injunctive relief enjoining the Defendant from proceeding in any pending actions resulting in waste.
- h. That the Court grant the Plaintiff such other relief as may be just and proper.

COUNT SIX

(Interference with Advantageous Business Relations, One)

56. The Plaintiff, Chester J. Chalupowski, Jr., individually, hereby reiterates and incorporates the allegations contained in paragraphs 1 through 44 of the Complaint.

57. The Plaintiff, Chester J. Chalupowski, Jr., believes and therefore avers that the allegations contained in paragraphs 5, 6, and 35 constitute interference with advantageous business relations.

WHWREFORE: the Plaintiff, Chester Chalupowski, Jr., requests that this Honorable Court grant him the following relief:

- a. Compensate for Plaintiff's documented loss of investment opportunities.
- b. Compensation for Plaintiff's documented loss of professional opportunities.
- c. All attorney fees paid by the Plaintiff in any and all actions seeking to stop the Defendant from interfering with his advantageous business relations.
- d. Compensation for loss of time in defending against Defendant's actions.
- e. Compensation for loss of business reputation.
- f. That the Court grant the Plaintiff permanent injunctive relief enjoining the Defendant from interfering with advantageous business relations of the Plaintiff.
- g. That the Court grant the Plaintiff such other relief as may be just and proper.

COUNT SEVEN

(Interference with Advantageous Business Relations, Two)

58. The Plaintiff, Chester J. Chalupowski, Jr., as Trustee and Beneficiary of the 26-30 Andrew Street Realty Trust, reiterates and incorporates the allegations contained in paragraphs 1 through 44 of the Complaint.

59. The Plaintiff, Chester J. Chalupowski, Jr., as Trustee and Beneficiary of the 26-30 Andrew Street Realty Trust, believes and therefore avers that the allegations contained in paragraphs 7, 11, 12, 24, 28, 30, 31, 32, 41, 43, and 45 constitute interference with advantageous business relations committed by the Defendant, Donna Chalupowski, against the 26-30 Andrew Street Trust.

WHEREFORE, the Plaintiff, Chester J. Chalupowski, Jr., as Trustee and Beneficiary of the 26-30 Andrew Street Realty Trust, requests that this Honorable Court grant him the following relief:

- a. Order the Defendant, Donna Chalupowski, to compensate the 26-30 Andrew Street Trust for lost income and lost investment opportunities.
- b. All attorney fees paid by the Trust in defending against actions brought by the Defendant.
- c. Compensation to the Trustee for loss of time in defending against said actions of the Defendant.
- d. All legal fees incurred in the action at hand.
- e. Compensation for loss of time in bringing the action at hand.
- f. Compensation of loss of business reputation.
- g. That the Court grant the Plaintiff permanent injunctive relief enjoining the Defendant from proceeding in all actions resulting in interference with advantageous business relations of the 26-30 Andrew Street Realty Trust.
- h. That the Court grant the Plaintiff such other relief as may be just and proper.

COUNT EIGHT

(Interference with Advantageous Business Relations, Three)

60. The Plaintiff, Dr. Malgorzata Nabialczyk, hereby reiterates and incorporates the allegations contained in paragraphs 1 through 44 of the Complaint.

61. The Plaintiff, Dr. Malgorzata Nabialczyk, believes and therefore avers that the allegations contained in paragraph 26 and 43 constitute interference with advantageous business relations.

WHEREFORE, the Plaintiff, Dr. Malgorzata Nabialczyk, requests that this Honorable Court grant her the following relief:

- a. All attorney fees paid in defending against all the actions brought against her by the Defendant.
- b. Compensation for loss of time in defending against said actions.
- c. Compensation for loss of business and community reputation.

d. That the Court grant the Plaintiff such other relief as may be just and proper.

COUNT NINE

(Slander and Libel, One)

62. The Plaintiff, Chester J. Chalupowski, Jr., hereby reiterates and incorporates the allegations contained in paragraphs 1 through 44 of the Complaint.

63. The Plaintiff, Chester J. Chalupowski, Jr., believes and therefore avers that the allegations contained in paragraphs 4, 5, 6, 35, 40, and 41 constitute actionable slander and libel.

WHEREFORE, the Plaintiff, Chester J. Chalupowski, Jr., requests that this Honorable Court grant him the following relief:

- a. All attorney fees incurred by the Plaintiff in the action at hand.
- b. Compensation for loss of time in bringing said action.
- c. Compensation for loss of business and community reputation.
- d. That the Court grant the Plaintiff such other relief as may be just and proper.

COUNT TEN

(Slander and Libel, Two)

64. The Plaintiff, Chester J. Chalupowski, holding the Power of Attorney for Mary Jane Chalupowski, hereby reiterates and incorporates the allegations contained in paragraphs 1 through 44 of the Complaint.

65. The Plaintiff, Chester J. Chalupowski, holding the Power of Attorney for Mary Jane Chalupowski, believes and therefore avers that allegations contained in paragraphs 4, 5, 8, 15, and 16 constitute actionable slander and libel.

WHEREFORE, the Plaintiff requests that this Honorable Court grant Mary Jane Chalupowski the following relief:

- a. All attorney fees paid in bringing this action.
- b. Compensations for loss of time in bringing this action.
- c. Compensations for loss of community reputation.
- d. That the Court grant the Plaintiff such other relief as may be just and proper.

COUNT ELEVEN

(Slander and Libel, Three)

66. The Plaintiff, Dr. Malgorzata Nabialczyk, hereby reiterates and incorporates the allegations contained in paragraphs 1 through 44 of the Complaint.

67. The Plaintiff, Dr. Malgorzata Nabialczyk, believes and therefore avers that the allegations contained in paragraphs ... constitute actionable slander and libel.

WHEREFORE, the Plaintiff, Dr. Malgorzata Nabialczyk, requests that this Honorable Court grant her the following relief:

- a. All attorney fees paid by the Plaintiff in defending against actions brought against her by the Defendant.
- b. All attorney fees paid by the Plaintiff in bringing the action at hand.
- c. Compensation for loss of time in bringing this action.
- d. Compensation of loss of business reputation.
- e. That the Court grant the Plaintiff such other relief as may be just and proper.

COUNT TWELVE

(Extortion)

68. The Plaintiff, Chester J. Chalupowski, Jr., hereby reiterates and incorporates the allegations contained in paragraphs 1 through 44.

69. The Plaintiff, Chester J. Chalupowski, Jr., believes and therefore avers that allegations contained in paragraphs 22 and 38 constitute actionable extortion.

WHEREFORE, the Plaintiff, Chester J. Chalupowski, Jr., requests that this Honorable Court grant him the following relief:

- a. All attorney fees incurred by the Plaintiff in bringing the action at hand.
- b. Compensation for loss of time in bringing said action.
- c. Compensation for loss of business reputation.
- d. That the Court grant the Plaintiff such other relief as may be just and proper.

COUNT THIRTEEN

(Intentional Infliction of Emotional Distress, One)

70. The Plaintiff, Chester J. Chalupowski, Jr., hereby reiterates and incorporates the allegations contained in paragraphs 1 through 44 of the Complaint.

71. The Plaintiff, Chester J. Chalupowski, Jr., believes and therefore avers that allegations contained in paragraphs 1 through 44 constitute conduct that is extreme and outrageous, beyond all possible bounds of decency and utterly intolerable in a civilized community.

72. The Plaintiff suffered, as a result of Defendant's actions, severe emotional distress of such nature that no reasonable person could be expected to endure.

WHEREFORE, the Plaintiff requests that this honorable court grant him the following relief:

- a. All attorney fees paid by the Plaintiff in defending against Defendant's actions.
- b. Compensation for loss of time in defending against said actions.
- c. All attorney fees paid by the Plaintiff in bringing the action at hand
- d. Compensation for loss of time in bringing the action at hand
- e. Compensation for emotional trauma caused by the Defendant
- f. That the Court grant the Plaintiff permanent injunctive relief enjoining the Defendant from proceeding in any and all actions causing Plaintiff to suffer emotional distress.
- g. That the Court grant such other relief as may be just and proper.

COUNT FOURTEEN

(Intentional Infliction of Emotional Distress, Two)

73. The Plaintiff, Chester J. Chalupowski, Jr., holding the Power of Attorney for Mary Jane Chalupowski, hereby reiterates and incorporates the allegations contained in paragraphs 1 through 44 of the Compliant.

74. The Plaintiff, Chester J. Chalupowski, Jr., as Power of Attorney for Mary Jane Chalupowski, believes and therefore avers that allegations contained in paragraphs 1 through 44 constitute conduct that is extreme and outrageous, beyond all possible bounds of decency and utterly intolerable in a civilized community.

75. The Plaintiff suffered, as a result of Defendant's actions, severe emotional distress, which is of such a nature that no reasonable person could be expected to endure.

WHEREFORE, the Plaintiff requests that this Honorable Court grant her the following relief:

- a. All attorney fees paid by the Plaintiff in defending against Defendant's actions
- b. Compensation of loss of time in defending against said actions.
- c. All attorney fess incurred by the Plaintiff in bringing the action at hand.
- d. Compensation for loss of time in bringing said action.
- e. Compensation for emotional trauma
- f. That the Court grant such other relief as may be just and proper.

COUNT FIFTEEN

(Intentional Infliction of Emotional Distress, Three)

76. The Plaintiff, Dr. Malgorzata Nabialczyk, hereby reiterates and incorporates the allegations contained in paragraphs 1 through 44.

77. The Plaintiff, Dr. Malgorzata Nabialczyk, believes and therefore avers that allegations contained in paragraphs 25, 26, 36, 37, and 43 constitute conduct that is extreme and outrageous, beyond all possible bounds of decency and utterly intolerable in a civilized community.

78. The Plaintiff suffered, as a result of Defendant's actions, severe emotional distress, which is of such a nature that no reasonable person could be expected to endure.

WHEREFORE, the Plaintiff, Dr. Malgorzata Nabialczyk, requests that this Honorable Court grant her the following relief:

- a. All legal fees incurred in defending against Defendant's actions.
- b. Compensation for loss of time in defending against said actions.
- c. All legal fees incurred in bringing the action at hand.
- d. Compensation for loss of time in bringing the action at hand.
- e. Compensation for emotional trauma.
- f. That the Court grant such other relief as may be just and proper.

JURY DEMAND

The Plaintiffs hereby demand a trial by jury on all claims or issues so triable.

The Plaintiff:

<<signature>>

Chester J. Chalupowski

The Plaintiff:

<<signature>>

Chester J. Chalupowski, POA for Mary Jane Chalupowski

The Plaintiff:

<<signature>>

Malgorzata B. Nabialczyk

Footnotes

- 1 The detrimental influence of Donna Chalupowski on the Venuto family is documented in their divorce file in the Stipulation of the Parties dated August 6, 1992, which provides that maternal aunt, Donna Chalupowski, should not be in the presence of the couple's, minor at the time, children, Mathew and Jenna.
- 2 Symptoms characteristic of the post-traumatic stress disorder (PTSD), rather than of some unspecified psychotic syndromes she is usually labeled with.
- 3 Mary Jane learned that she was suing her own son from her sister, Loretta Dionne of Beverly, who called her after reading the newspaper.
- 4 Shortly after Joseph and Elvera Chalupowski left their residence at 26 Andrew Street, in August 1991, paternal uncle, John J. Chalupowski, occupying at the time another unit at 26 Andrew Street, died suddenly, at 57, during one of many violent assaults perpetrated by his niece, Donna Chalupowski.
- 5 At that time, a practical arrangement exercised since the summer of 1993, under which Chester was de facto managing the family property (on behalf his **elderly** mother and devastated by her divorce sister) was formalized by establishing a new trust, with Chester as Trustee, into which the res of the old trust was transferred.
- 6 This is one more example of how Donna Chalupowski mastered to perfection her 'tactics' of filing false charges against the victims of her assaults before they have a chance to file charges against her. She applied this method successfully against at least six of her victims: Chester Chalupowski, Joseph Chalupowski, John Chalupowski, Frank Venuto, Dr. Margaret Nabialczyk, and more than once, against Judith Chalupowski-Venuto.
- 7 In fact, because of Donna Chalupowski's misleading, deceitful statements, the District Court Judge issued a groundless restraining order against Dr. Nabialczyk, without any basis in the statutory and/or case law.

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