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SJC-12718

BHARANIDHARAN PADMANABHAN vs. LORETTA COOKE.

December 12, 2019.

Practice, Civil, Action in nature of certiorari.

The petitioner, Bharanidharan Padmanabhan, appeals from a judgment of a single justice of the county court denying his petition for relief in the nature of certiorari pursuant to G. L. c. 249, § 4. We affirm.

As best we can tell from the record before us, the petitioner commenced an action against the respondent in the trial court claiming, among other things, slander, libel, and intentional infliction of emotional distress.<sup>1</sup> In the course of those proceedings, the petitioner sought to have the Attorney General "disqualified" from representing the respondent. A judge denied the petitioner's motion, but the petitioner persisted, eventually leading the judge to state, in denying a motion for reconsideration of the issue, that the petitioner's continued efforts on the issue were "vexatious." The judge further stated that "the Court will be mindful of such notice in consideration of any further effort on the issue and any request for costs by the [respondent] in responding to any such further efforts."

The petitioner thereafter filed a petition pursuant to G. L. c. 231, § 118, first par., with a single justice of the Appeals Court, seeking review of the denial of the motion for reconsideration and complaining about the trial court judge's

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<sup>1</sup> Although the details of these claims are not apparent in the record before us, they appear to stem, in some fashion, from the suspension of the petitioner's license to practice medicine.

threat of sanctions. An Appeals Court single justice denied the petition on the basis that it was not timely filed. The petitioner then filed his certiorari petition in the county court, which a single justice of this court denied without a hearing.

Certiorari review is designed to "correct errors in proceedings which are not . . . otherwise reviewable by motion or by appeal." G. L. c. 249, § 4. The petitioner has not, and cannot, demonstrate that his claims were not otherwise reviewable. To the extent that he seeks review of the trial court judge's denial of his motion for reconsideration, he has already sought such review pursuant to G. L. c. 231, § 118, first par., and has been denied relief by a single justice of the Appeals Court. Picciotto v. Appeals Court (No. 2), 457 Mass. 1002, 1002, cert. denied, 562 U.S. 1044 (2010) (denying certiorari review where petitioners had other adequate avenue for review).<sup>2</sup> He is not entitled as of right to any further interlocutory review. To the extent that he seeks review of the judge's warning that certain future filings in that court may subject the petitioner to sanctions, no such sanctions have yet been imposed. If a judge in the trial court does, in his or her discretion, sanction the petitioner in the future, the petitioner will be able to challenge that ruling.

The single justice did not err or abuse her discretion in denying relief under G. L. c. 249, § 4.

Judgment affirmed.

Bharanidharan Padmanabhan, pro se.

Mark P. Sutliff, Assistant Attorney General, for the respondent.

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<sup>2</sup> The petitioner's certiorari petition, filed after a single justice of the Appeals Court had already denied his petition pursuant to G. L. c. 231, § 118, first par., was nothing more than a second attempt to obtain review of the challenged ruling of the trial court.