

MS

**COMMONWEALTH OF MASSACHUSETTS
SUPERIOR COURT DEPARTMENT**

SUFFOLK, ss.

DOCKET NO. 24-2602D

_____)
ADAM BURNS and SHELBY BURNS,)
)
Plaintiffs,)
)
v.)
)
SOUTH BOSTON LITHUANIAN)
CITIZENS' ASSOCIATION, SBLCA)
REALTY CORP. and GINTARAS)
SUBATIS,)
)
Defendants.)
_____)

**DEFENDANTS' MEMORANDUM IN OPPOSITION TO
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTIVE RELIEF**

Now come the defendants, South Boston Lithuanian Citizens' Association, SBLCA Realty Corp. and Gintaras Subatis, in the above-captioned action, by and through their attorneys, and oppose the Plaintiffs' Motion for Preliminary Injunctive Relief.

I. BRIEF STATEMENT OF FACTS

On or about August 1, 1949, the defendant, South Boston Lithuanian Citizens Association ("SBLCA"), a non-profit Massachusetts corporation (established in September, 1899) acquired the real property located at 368-372 West Broadway, South Boston, Massachusetts 02127 (the "Premises") as evidenced by a deed recorded with the Suffolk County Registry of Deeds (the "Registry") in Book 6536, Page 278. On or about February 25, 2008, SBLCA transferred the Premises to the defendant, SBLCA Realty Corp. ("Realty Corp."), a non-profit Massachusetts corporation as evidenced by a deed recorded with the Registry in Book 43141, Page 95. SBLCA is a social club that has hosted events at the Premises in excess of seventy-five (75) years. Exhibit A.

SBLCA occupies the 3rd and 4th Floor of the Premises. Exhibit A. The front of the Premises is located on West Broadway in South Boston. Exhibit B. One side of the Premises abuts E Street while the opposite side of the Premises abuts the building located at 374-378 West Broadway. Exhibit B. Finally, there are seven (7) parking spaces which are located adjacent to Athens Street, however, these parking spaces do not directly abut the building located at 368-372 West Broadway. Exhibit A and Exhibit B. In fact, there is a three (3) family dwelling known as 331-333 E Street which is located between the building known as 368-372 West Broadway and the seven (7) parking spaces. Exhibit A and Exhibit B. The Plaintiffs live on the other side of Athens Street, directly across the street from the seven (7) parking spaces. Exhibit B.

On October 3, 2024, the Plaintiffs filed the present lawsuit that contains five counts: 1.) Private Nuisance; 2.) Negligence; 3.) Negligent Infliction of Emotional Distress; 4.) Harassment; and 5.) Invasion of Privacy. Counts One and Two were brought against SBLCA and Realty Corp. only. Count Three was brought against all three Defendants. Counts Four and Five were strictly brought against Gintaras Subatis (“Subatis”) individually. The Plaintiffs are seeking an injunction to enjoin SBLCA from holding any “events.. with recorded or live music, an amplification system, and/or dancing...” until the underlying case is adjudicated. The extraordinary relief being requested by the Plaintiffs is related to Counts One, Two and Three of the Plaintiffs’ Complaint. SBLCA is under contract to host four (4) upcoming events in October, with those events scheduled on October 5, 2024, October 11, 2024 October 12, 2024 and October 26, 2024. Exhibit A. SBLCA has obtained the necessary permits from the City of Boston these four (4) events. Exhibit A.

II. LEGAL STANDARD

In order to prevail on a motion for a preliminary injunction, the moving party must demonstrate (1) a likelihood of success on the merits; (2) that irreparable harm will result from denial of the injunction; and

(3) that, in light of the [moving party's] likelihood of success on the merits, the risk of irreparable harm to the [moving party] outweighs the potential harm to the [nonmoving party] in granting the injunction.

GTE Products Corporation v. Stewart, 414 Mass. 721, 722 (1993), citing *Packaging Indus. Group, Inc. v. Cheney*, 380 Mass. 609, 615 (1980).

III. ARGUMENT

As indicated by the Plaintiffs, this case involves a dispute they are having with a neighbor. Despite the Plaintiffs' contentions to the contrary, the Plaintiffs have failed to satisfy their burden of demonstrating that the Plaintiffs are likely to succeed on the merits of their case or that the harm claimed outweighs the harm that an injunction would cause the Defendants or by extension the third parties who have contracted with SBLCA to use its venue at the Premises.

The Plaintiffs allege that SBLCA is "intentionally creating, permitting, and maintaining activities on the Premises which amount to a nuisance." They further allege these activities are "noisy events hosted by SBLCA" and "suspected drug¹ use by its members and/or guests." The Plaintiffs have not cited a single case in support of the facts they allege in this case to sustain their claim for private nuisance and/or for the extraordinary relief that their injunction seeks. First, a finding of nuisance is a question of fact. *Strachan v. Beacon Oil Co.*, 251 Mass. 479, 485, 146 N.E. 787 (1925). Second, in "determining whether a nuisance exists, the 'character of the locality is a circumstance of great importance.'" See *Escobar v. Continental Baking Co.*, 33 Mass.App.Ct. 104, 109 (1992) quoting *Kasper v. H.P. Hood & Sons, Inc.*, 291 Mass. at 27, 196 N.E. 149. Finally, the Plaintiffs must demonstrate the gravity of the

¹ A review of the Affidavits submitted by the Plaintiffs do not support the allegation that any illegal activities have taken place on the Premises. The Plaintiffs allege that they "believe that drug use has taken place in the cars parked in the SBLCA's parking lot" located on Athens Street but provide no further evidence and/or indication as to how they arrive at this alleged belief. See *Affidavit of Adams Burns*, ¶ 25 and *Affidavit of Shelby Burns*, ¶ 21.

alleged harm outweighs the utility of the Defendants' conduct in the use of the Premises². See *Escobar* at 108.

It is undisputed in this case SBLCA has been operating and hosting events at the Premises since at least 1949. Exhibit A. The Plaintiffs acquired their property at 335 E Street on or about November 29, 2016 as evidenced by a deed recorded with the Registry in Book 57183, Page 154. Exhibit C. Needless to say SBLCA's activities existed well before Plaintiffs acquired their residence. This case is very much analogous to *Escobar* in which the court found that the plaintiff came to the alleged nuisance. *Escobar* at 107. While this fact alone does not bar relief, it is a "significant factor in determining what is fair and reasonable." *Escobar* at 107. The area in question is lined with many commercial establishments up and down West Broadway including several restaurants, bars and nightclubs. As quoted in *Escobar*, no one can move into commercial area "and demand the quiet of a farm." *Escobar* at 107 quoting *Stevens v. Rockport Granite Co*, 216 Mass. 486, 488 (1914). Beyond the foregoing, SBLCA is not aware of any violation of any state and/or local rule/regulation related to SBLCA's activities and/or its patrons activities at the Premises. Exhibit A. Therefore, the Plaintiffs have fallen far short of demonstrating their likelihood of success never mind sustaining their burden for this extraordinary relief that would effectively shut down the SBLCA. Exhibit A.

The Plaintiffs remaining Counts allegedly found in negligence are even more speculative and far reaching. The Plaintiffs allege that the Defendants as "direct abutters to the Plaintiffs' residence, owe a duty to Mr. and Mrs. Burns to maintain the Premises in a safe manner compliant with BLB³ and ABCC⁴ rules." The Plaintiffs fail to cite a single case and/or authority in support of this proposition that SBLCA

² Restatement (Second) of Torts, § 826 provides: "An intentional invasion of another's interest to use and enjoyment of land is unreasonable if (a) the gravity of the harm outweighs the utility of the actor's conduct, or (b) the harm caused by the conduct is serious and the financial burden of compensating for this and similar harm to others would not make the continuation of the conduct not feasible."

³ City of Boston Licensing Board.

⁴ Alcoholic Beverages Control Commission.

owe the Plaintiffs a duty never mind a duty under these circumstances. Despite this and the lack of any finding by the City of Boston and/or the ABCC of any violation of their rules and/or regulations, the Plaintiffs are asking this Honorable Court to find that SBLCA owed the Plaintiffs a duty and that SBLCA breached this duty entitling them to enjoin SBLCA from continuing its activities of the last seventy-five years at the Premises. Additionally, in their papers, the Plaintiffs conveniently fail to bring to this Honorable Court's attention SBLCA's attempts to reasonably address the concerns raised by the Plaintiffs despite SBLCA's adherence to the City of Boston's rules and regulations related to the operation of the Premises. Exhibit A and Exhibit D.

Finally, as noted above, SBLCA has been operating at the Premises as a social club for at least the last seventy-five years. Exhibit A. SBLCA operates out of half of the building and its functions cover its share of the carrying costs for the Premises. Exhibit A. The financial hardship and irreparable harm that would be realized by SBLCA and Realty Corp. as a result of awarding the Plaintiffs the extraordinary relief they are seeking far outweighs the hardship being claimed by the Plaintiffs. Exhibit A. Additionally, SBLCA has signed numerous contracts with third parties who have scheduled their events to be held at SBLCA's venue for which SBLCA has already obtained the required licenses from the City of Boston. Exhibit A. The irreparable harm that would be sustained extends beyond the SBLCA but also extends to the third party's it has contracted with for the upcoming four (4) events in October.

WHEREFORE, based on the foregoing the Defendants respectfully requests that this Honorable Court **DENY** the Plaintiffs' Motion for a Preliminary Injunction.

Respectfully submitted,
The Defendants,
By its Attorneys,

Lipsey & Clifford, P.C.

Dated: 10/4/2024

/s/ Scott J. Clifford
Scott J. Clifford, B.B.O. #640839
1165 Washington Street
Hanover, MA 02339
(781) 829-9100
Email: sclifford@elclaw.com

Exhibit “A”

**COMMONWEALTH OF MASSACHUSETTS
SUPERIOR COURT DEPARTMENT**

SUFFOLK, ss.

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ADAM BURNS and SHELBY BURNS,)
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Plaintiffs,)
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SOUTH BOSTON LITHUANIAN)
CITIZENS' ASSOCIATION, SBLCA)
REALTY CORP. and GINTARAS)
SUBATIS,)
)
Defendants.)

AFFIDAVIT OF JOUZAS AUSTRAS

Under the pains and penalties of perjury, now comes Jouzas (“Joseph”) Austras and upon my own personal knowledge state as follows:

1. My name is Jouzas (“Joseph”) Austras;
2. I am the President of the SBLCA Realty Corp. (“Realty Corp.”);
3. Realty Corp. is a non-profit Massachusetts corporation which is located at and owns the building located at 368-372 West Broadway, South Boston, MA (the “Premises”);
4. I am also the President of South Boston Lithuanian Citizens Association (“SBLCA”), a non-profit Massachusetts corporation established in September, 1899;
5. The SBLCA owned the Premises from approximately August 1, 1949 to approximately February 25, 2008;
6. Realty Corp. is the current owner of the Premises;

7. I have been a member of the SBLCA since approximately 1971 and have served on the Board of Directors since approximately 1992;

8. SBLCA is a social club whose facilities can be utilized for a variety of events, including but not limited to school fund raisers, baby showers, political fund raisers, work functions, weddings, anniversaries, birthdays, community meetings and plays;

9. SBLCA has entered into a contract with a third party for a baby shower to be held at the Premises on the 4th floor on October 5, 2024 from 6PM to 11PM for which SBLCA has obtained the necessary and required license from the City of Boston;

10. SBLCA has entered into a contract with a third party for a birthday party to be held at the Premises on the 4th Floor on October 11, 2024 from 5PM to 12PM for which SBLCA has obtained the necessary and required license from the City of Boston;

11. SBLCA has entered into a contract with a third party for a school fund raiser to be held at the Premises on the 4th Floor on October 18, 2024 from 5PM to 9:30PM for which SBLCA has obtained the necessary and required license from the City of Boston;

12. SBLCA has entered into a contract with a third party for a fund raiser to be held at the Premises on the 4th Floor on October 25, 2024 from 7PM to 11PM for which SBLCA has obtained the necessary and required license from the City of Boston;

13. The Plaintiffs' proposed injunction would effectively shutter all of the activities of SBLCA and SBLCA's ability to operate at the Premises which it has been functioning at for at least the last 75 years;

14. I am not aware of any violation by the SBLCA of the City of Boston Licensing Board General Rules ("BCB");

15. I am not aware of any violation by the SBLCA of the City of Boston Municipal Codes (Noise Ordinance 16.26-6) and/or the City of Boston Air Pollution Control Commission Regulations;

16. I am not aware of any violation by the SBLCA of the Alcoholic Beverages Control Commission (“ABCC”) General Rules;

17. In an effort to monitor compliance with the City of Boston’s rules and regulations regarding noise, SBLCA was advised by Detective Gallagher of the Boston Police Department (License Premise Unit) to monitor the decibel levels during events at the Premises and as a result we generally have an employee walk around the outside of the Premises each hour during an evening event to measure the decibels;

18. As part of this practice of measuring the decibels during an event being held at the Premises, we have videotaped our practice of measuring the decibels in order to document the results;

19. As part of our clean up following an event held at the Premises, the SBLCA instructs its third-party cleaning contractor to walk the perimeter of the Premises to police the perimeter of the Premises in an effort to keep the area presentable for the other tenants in the building, patrons of the Premises and our neighbors;

20. There are seven (7) parking spaces that are part of the Premises located on Athens Street, however, these parking spots do not directly abut the building located at 368-372 West Broadway;

21. There is a three (3) family dwelling known as 331-333 E Street which is located between the building known as 368-372 West Broadway and the seven (7) parking spaces;

22. I am not aware of any illegal activities occurring in the seven (7) parking spaces as alleged by the Plaintiffs nor have I seen any police report from the City of Boston Police Department regarding any alleged illegal activities occurring in these parking spaces;

23. No illegal activities are permitted and/or tolerated upon or about the Premises by the SBLCA;

24. As noted above the proposed injunction would effectively shutter all activities of the SBLCA which occupies half of the Premises causing irreparable harm as the SBLCA/Realty Corp. would be unable to recover the loss revenues and thereby be unable to cover the carrying costs for the Premises.

Signed under the pains and penalties of perjury this 4th day of October, 2024.

SBLCA Realty Corp.

DocuSigned by:
Joseph Austras, President
By: 2B99D314178148A...
Jouzas Austras, President

South Boston Lithuanian Citizens Association

DocuSigned by:
Joseph Austras, President
By: 2B99D314178148A...
Jouzas Austras, President

Exhibit “B”



Exhibit “C”



2016 00112410

Bk: 57183 Pg: 154 Page: 1 of 2

Recorded: 11/29/2016 01:36 PM

ATTEST: Thomas M Ryan, Temp Register

Suffolk County Registry of Deeds

MASSACHUSETTS EXCISE TAX
Suffolk County District ROD # 001
Date: 11/29/2016 01:36 PM
Ctl# 165378 02378 Doc# 00112410
Fee: \$4,491.60 Cons: \$985,000.00

QUITCLAIM DEED

CANCELLED

**We, Christopher M. Colice and Meghan A. Moriarty, being married to each other
of Boston, Massachusetts**

for consideration paid, and in full consideration of **Nine Hundred Eighty Five Thousand and
00/100 (\$985,000.00) Dollars**

grant to **Adam D. Burns, individually**

hereinafter of **335 E Street, South Boston, MA with quitclaim covenants**

the land in **Boston, Suffolk County, Massachusetts**. more specifically, #335, 335A E Street,
South Boston, Suffolk County, MA, the land in said Boston with the buildings thereon situated on
the Northeasterly corner of E and Athens Street in that part of Boston called South Boston,
bounded and described as follows:

- Southwesterly: by said Athens Street, sixty (60) feet;
- Southeasterly: by land now or formerly of S.K. Williams, twenty (20) feet;
- Northeasterly: by land now or late of Mary Keys, sixty (60) feet; and
- Northwesterly: by E street, twenty (20) feet; however otherwise bounded, measured or
described.

The Grantors herein releases any and all homestead rights and/or interest in the
above described property that they may have pursuant to M.G.L. A. Chapter 188. Grantors state,
under the pains and penalties of perjury, at all times relevant hereto there is no other person
entitled to a claim of homestead in the subject premises.

Being the same premises conveyed to grantor by deed dated May 29th, 2012 and recorded at the
Suffolk County Registry of Deeds in Book 49586 Page 36

(Signatures on following page)

(Signature page – Deed: Colice and Moriarty to Burns)

Executed as a sealed document this 18 day of November, 2016


CHRISTOPHER M. COLICE

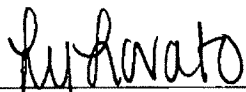

MEGHAN A. MORIARTY

COMMONWEALTH OF MASSACHUSETTS

County of: Suffolk

November 18, 2016

Before me, the undersigned notary public, personally appeared **Christopher M. Colice and Meghan A. Moriarty** proved to me through satisfactory evidence of identification, which were personally known to me, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.


Official Signature and Seal of Notary
My Commission Expires: 02/13/2020

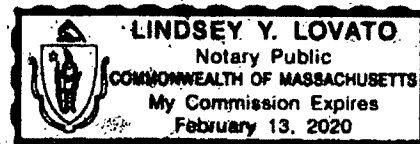


Exhibit “D”

Scott J. Clifford

From: Scott J. Clifford
Sent: Wednesday, June 12, 2024 7:09 AM
To: Rudolph, Robert
Cc: Kathy McPhee
Subject: RE: Noise Issues - South Boston Lithuanian Citizens' Association (368 W Broadway, South Boston)

Bobby – I was responding to your comment that the measurements are to be taking from the inside of the venue. My reading of the City of Boston noise regulations indicates that the measurements are from the residential property line. See 16.26.6.

There are three upcoming scheduled events that we previously discussed.

Thanks in advance.

Scott J. Clifford
Law Offices of Lipsey & Clifford, P.C.
1165 Washington Street, Suite 2 - Route 53
Hanover, MA 02339
(781) 829-9100 Fax (781) 826-8856

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From: Rudolph, Robert <rrudolph@rflawyers.com>
Sent: Tuesday, June 11, 2024 5:28 PM
To: Scott J. Clifford <sc Clifford@elclaw.com>
Cc: Kathy McPhee <kmcphree@elclaw.com>
Subject: RE: Noise Issues - South Boston Lithuanian Citizens' Association (368 W Broadway, South Boston)

Scott-

What regulation are you referring to? Can you send me a citation so I can review?

Has your client taken any steps inside the property to mitigate against sound/vibrations?

What are the upcoming events – will there be amplified music?

Thanks,
Bobby

ROBERT P. RUDOLPH
RUDOLPH FRIEDMANN LLP
92 STATE STREET
BOSTON, MA 02109
TEL: 617-723-7700
FAX: 617-227-0313
EMAIL: RRUDOLPH@RFLAWYERS.COM

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From: Scott J. Clifford <sclifford@elclaw.com>
Sent: Tuesday, June 11, 2024 3:37 PM
To: Rudolph, Robert <rrudolph@rflawyers.com>
Cc: Kathy McPhee <kmcphee@elclaw.com>
Subject: RE: Noise Issues - South Boston Lithuanian Citizens' Association (368 W Broadway, South Boston)

CAUTION: This email originated from outside RF. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Bobby – hope you had a great weekend. Spoke to my client and they will be reaching out to provide the contact person on duty as a courtesy in the event any questions or concerns arise during an event.

I looked at the regulations again and maybe I'm missing something but the City of Boston regulations refer to the measurements being obtained from the lot line and not inside the establishment. Happy to review what you may have been referring to.

Thanks in advance.

Scott J. Clifford
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From: Rudolph, Robert <rrudolph@rflawyers.com>
Sent: Friday, June 7, 2024 4:57 PM
To: Scott J. Clifford <sc Clifford@elclaw.com>
Subject: RE: Noise Issues - South Boston Lithuanian Citizens' Association (368 W Broadway, South Boston)

Scott-

When you speak to your client, can you ask if the current manager can provide his best contact information. That way, if there is an issue during any of the upcoming events, Adam can reach out to him and they can try to address it?

Bobby

ROBERT P. RUDOLPH
RUDOLPH FRIEDMANN LLP
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BOSTON, MA 02109
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FAX: 617-227-0313
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From: Scott J. Clifford <sclifford@elclaw.com>
Sent: Thursday, June 6, 2024 6:08 PM
To: Rudolph, Robert <rrudolph@rflawyers.com>
Cc: Kathy McPhee <kmcphee@elclaw.com>
Subject: RE: Noise Issues - South Boston Lithuanian Citizens' Association (368 W Broadway, South Boston)

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Sure, perfect way to end the week 😊

Talk to you then.

Thanks again.

Scott J. Clifford
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1165 Washington Street, Suite 2 - Route 53
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From: Rudolph, Robert <rrudolph@rflawyers.com>
Sent: Thursday, June 6, 2024 5:22 PM
To: Scott J. Clifford <sclifford@elclaw.com>
Cc: Kathy McPhee <kmcphee@elclaw.com>
Subject: RE: Noise Issues - South Boston Lithuanian Citizens' Association (368 W Broadway, South Boston)

Scott-

How's 4:30pm tomorrow?

Bobby

ROBERT P. RUDOLPH
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92 STATE STREET
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From: Scott J. Clifford <sclifford@elclaw.com>
Sent: Thursday, June 6, 2024 1:02 PM
To: Rudolph, Robert <rrudolph@rflawyers.com>

Cc: Kathy McPhee <kmcphree@elclaw.com>

Subject: RE: Noise Issues - South Boston Lithuanian Citizens' Association (368 W Broadway, South Boston)

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Robert – sorry for the delay.

I have some time tomorrow or Tuesday.

What works for you and Kathy can coordinate on my end.

Thanks in advance.

Scott J. Clifford
Law Offices of Lipsey & Clifford, P.C.
1165 Washington Street, Suite 2 - Route 53
Hanover, MA 02339
(781) 829-9100 Fax (781) 826-8856

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From: Rudolph, Robert <rrudolph@rflawyers.com>
Sent: Tuesday, June 4, 2024 2:34 PM
To: Scott J. Clifford <sclifford@elclaw.com>
Cc: Kathy McPhee <kmcphree@elclaw.com>
Subject: RE: Noise Issues - South Boston Lithuanian Citizens' Association (368 W Broadway, South Boston)

Scott-

Is there a good time for you to have a call to discuss this matter sometime in the next couple of days?

Bobby

ROBERT P. RUDOLPH
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BOSTON, MA 02109
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FAX: 617-227-0313
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From: Rudolph, Robert
Sent: Friday, May 24, 2024 9:09 AM
To: Scott J. Clifford <sclifford@elclaw.com>
Cc: Kathy McPhee <kmcphree@elclaw.com>
Subject: RE: Noise Issues - South Boston Lithuanian Citizens' Association (368 W Broadway, South Boston)

Scott-

See attached. I'm sure you need some time to connect with your client and get up to speed. Let me know if you want to discuss after. These guys are neighbors, and the issue has been going on for a long time. Having said that, I'm hopeful we can try to find an amicable resolution without the need for litigation.

Bobby

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From: Scott J. Clifford <sclifford@elclaw.com>
Sent: Friday, May 24, 2024 9:05 AM
To: Rudolph, Robert <rrudolph@rflawyers.com>; Manager <sblca@verizon.net>; jaustras@verizon.net
Cc: Kathy McPhee <kmcphee@elclaw.com>
Subject: RE: Noise Issues - South Boston Lithuanian Citizens' Association (368 W Broadway, South Boston)

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Bobby – hope all is well.

Can you do me a favor and forward the correspondence you sent to my client that is referenced below?

Thanks in advance.

Scott J. Clifford
Law Offices of Lipsey & Clifford, P.C.
1165 Washington Street, Suite 2 - Route 53
Hanover, MA 02339
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From: Rudolph, Robert <rrudolph@rflawyers.com>

Sent: Friday, May 24, 2024 8:52 AM

To: Manager <sblca@verizon.net>; jaustras@verizon.net; Scott J. Clifford <sclifford@elclaw.com>

Subject: RE: Noise Issues - South Boston Lithuanian Citizens' Association (368 W Broadway, South Boston)

Joseph-

Thank you for the quick acknowledgement of my letter. If you could send me the video of the noise levels from this past weekend so I can see what you are referring to I think that would be helpful. Please feel free to e-mail them to me, or you can upload them into a shared folder via the link below:

<https://ln5.sync.com/dl/21b901850/jcn6sdjk-cx3rsiuu-zhqgzzjg-rqgszm5i>

Bobby

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From: Manager <sblca@verizon.net>
Sent: Thursday, May 23, 2024 6:29 PM
To: jaustras@verizon.net; Rudolph, Robert <rrudolph@rflawyers.com>; Scott Clifford <sclifford@elclaw.com>
Cc: ed.flynn@boston.gov; william.gallagher@pd.boston.gov; danny.green@boston.gov; rebecca.phu@boston.gov; lydia.polaski@boston.gov; alcohol@boston.gov; Adam Burns <burnsa32@gmail.com>; kathleen.joyce@boston.gov; Shelby Keys <slkeysnutrition@gmail.com>
Subject: Re: Noise Issues - South Boston Lithuanian Citizens' Association (368 W Broadway, South Boston)

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Good Evening Mr. Rudolph:

We are in receipt of your certified letter and email concerning the subject of correspondence regarding the noise issues emanating from the South Boston Lithuanian Citizens' Association (SBLCA) facility. Please send all future correspondence to our counsel. Contact information follows:

Scott J. Clifford
Law Offices of Lipsey & Clifford, P.C.
1165 Washington Street, Suite 2 - Route 53
Hanover, MA 02339
(781) 829-9100 Fax (781) 826-8856

Please see attached approved Entertainment License for May 18, 2024. We also monitored (video available) noise levels from 6:00 pm to 11:00 pm (West Broadway, E Street, Athens Street, rear of our alley) and were in compliance of the 70db levels in accordance with City of Boston noise ordinances. The event ended at 11:00 PM.

If there are any questions, please contact our counsel.

Regards,

Joseph Austras
President
South Boston Lithuanian Citizens' Association
DBA South Boston Lithuanian Club
SBLCA Realty Corp
368 West Broadway
South Boston, MA 02127
Cell: 781-964-1040
Email: jaustras@verizon.net
Office email: sblca@verizon.net
Office phone: 671-268-9058
Web: www.sblca.org

On Thursday, May 23, 2024 at 04:00:23 PM EDT, Rudolph, Robert <rrudolph@rflawyers.com> wrote:

Good Afternoon-

I represent Adam and Shelby Burns who are direct residential abutters to the rear (Athens Street) of the South Boston Lithuanian Citizens' Association ("SBLCA") located at 368 W Broadway in South Boston.

Please see the attached correspondence regarding the persistent and intolerable noise issues emanating from the SBLCA.

Thank you.

Robert P. Rudolph
Rudolph Friedmann LLP
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Tel: 617-723-7700
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Visit the Rudolph Friedmann LLP website at: www.RFlawyers.com

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