

4

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT  
CIVIL ACTION NO.

24-2602D

<p><b>ADAM BURNS and SHELBY BURNS,</b></p> <p><i>Plaintiffs,</i></p> <p>v.</p> <p><b>SOUTH BOSTON LITHUANIAN CITIZENS' ASSOCIATION, SBLCA REALTY CORP. and GINTARAS SUBATIS,</b></p> <p><i>Defendants.</i></p>
--

JOHN F. FORTIN  
ACTING CLERK/ADMINISTRATOR

2024 OCT -3 A 9:01

SUFFOLK SUPERIOR COURT  
CIVIL CLERK'S OFFICE

**PLAINTIFFS' MEMORANDUM IN SUPPORT OF MOTION FOR  
TEMPORARY RESTRAINING ORDER/PRELIMINARY INJUNCTION**

The Plaintiffs Adam Burns ("Mr. Burns") and Shelby Burns ("Mrs. Burns" and with Mr. Burns, the "Plaintiffs") submit this memorandum of law in support of their request for a Temporary Restraining Order/Preliminary Injunction ordering that the Defendants South Boston Lithuanian Citizens' Association ("SBLCA"), SBLCA Realty Corp. ("SBLCA RC"), and Gintaras Subatis, Club Manager of the South Boston Lithuanian Citizens' Association ("Subatis" and with SBLCA and SBLCA RC, the "Defendants"), together with their agents, employees, attorneys or persons acting on their behalf or under their direction or control, either directly or indirectly shall be restrained and enjoined from: holding any events, banquets, or meetings with recorded or live music, an amplification system, and/or dancing including, but not limited to, weddings, baby and/or bridal showers, anniversaries, graduations, birthday parties, funeral receptions, community meetings and events, corporate and private meetings and events, organization meetings and events, concerts, plays, and performances until further order from this Court.

## INTRODUCTION

This is a neighborhood dispute. The SBLCA is an organization that promotes socialization across the Lithuanian community.<sup>1</sup> The SBLCA holds events that cause considerable noise disruption and facilitate illegal drug use to the detriment of nearby residents. Mr. and Mrs. Burns are owners and residents of a residential property whose daily lives have been upended as direct abutters to the SBLCA. For several years now, Mr. and Mrs. Burns have suffered through persistent and intolerable noise issues emanating from the SBLCA. They have tried everything to make it stop. The SBLCA has refused to cooperate and regrettably has forced Mr. and Mrs. Burns to file this litigation.

The SBLCA has been and continues to be, in violation of the rules and regulations of the City of Boston Licensing Board (“BLB”) and the Alcoholic Beverages Control Commission (“ABCC”) as the holder of a liquor license and is required to abide by those regulations. Mr. and Mrs. Burns have spoken to Defendant Subatis, as President and Club Manager of the SBLCA, several times and pled with him for solution to these noise issues. Mr. and Mrs. Burns have filed multiple complaints with the BLB and ABCC. They installed a third windowpane in their bedroom window. They bought sound mitigating curtains. Nothing has worked.

The SBLCA has, however, responded to complaints of its pervasive and relentless violations and neighborhood disruptions with a complete disregard for its actions. The Defendant Subatis, after *a year of violations*, finally acknowledged these issues told Mr. and Mrs. Burns, via e-mail, that “[m]aybe you should have checked who your neighbors are before moving in next door.” Subatis proceeded to engage in a malicious intimidation campaign by

---

<sup>1</sup> The SBLCA is a nonprofit corporation with a principal place of business at 368 West Broadway, South Boston, County of Suffolk, Massachusetts.



filming Mr. and Mrs. Burns in their personal residence and in the surrounding areas.

Private nuisance laws exist for this precise reason. It provides homeowners, like Mr. and Mrs. Burns, a remedy when others, like the SBLCA, permit, create, or maintain conditions or activities that cause substantial and unreasonable interference with the use and enjoyment of property. Mr. and Mrs. Burns are not raring to sue the SBLCA. But they have been left with no choice. The SBLCA continues to create significant harm to their interests and, now almost daily, causes material disturbances to the use and enjoyment of Mr. and Mrs. Burns' home – so much so that Mr. and Mrs. Burns have been forced, on multiple recent occasions, to find alternative living arrangements at times they are aware the SBLCA is holding events.

Mr. and Mrs. Burns have a reasonable likelihood of success on the merits for each claim and the actions taken by the Defendants each day prove so. There is a substantial risk that irreparable harm will continue to occur if the injunction is not granted. The ensuing harm to Mr. and Mrs. Burns outweighs any potential harm to the Defendants because there is no harm to the Defendants in requiring them to abide by the rules and regulations of the BLB and the ABCC which they must do anyway. For these reasons and many others discussed below, Mr. and Mrs. Burns' motion should be allowed.

### **FACTUAL BACKGROUND**

The SBLCA is an active social organization holding frequent events at its location at 368 West Broadway, South Boston, County of Suffolk, Massachusetts (the "Premises").<sup>2</sup> Mr. and

---

<sup>2</sup> SBLCA Realty Corp. is a nonprofit corporation with a principal place of business at 368 West Broadway, South Boston, County of Suffolk, Massachusetts. The purpose of the SBLCA is to hold title to property. The SBLCA Realty Corp. is the owner of 368 West Broadway, South Boston, MA pursuant to a Quitclaim Deed recorded at the Suffolk County Registry of Deeds on February 25, 2008 at Book 43141, Page 95. The South Boston Lithuanian Citizens' Association and the SBLCA Realty Corp. are controlled by the same offices and directors.

Mrs. Burns are direct residential abutters to the Premises (Athens Street) of the SBLCA. Affidavit of Shelby Burns (“Shelby Aff.”) at ¶ 2. Affidavit of Adam Burns (“Adam Aff.”) at ¶ 2. The Premises is a large facility containing three function rooms. *Id.* at ¶ 3. The Premises contain: (i) a bar lounge area which can accommodate up to 100 guests; (ii) a third-floor function hall that accommodates up to three hundred (300) guests; and (iii) a fourth-floor area that accommodates up to two hundred (200) guests. *Id.*

The SBLCA is the holder of an All-Alcoholic Beverages License (License #: LB-98795) (the “Liquor License”) issued by the City of Boston Licensing Board for use at the Premises. *Id.* at ¶ 4. As the holder of the Liquor License, the SBLCA is subject to the rules and regulations of the BLB Rules and 204 CMR 4.00, *et seq.* *Id.* As a license holder, the SBLCA is “responsible for ensuring that all employees read, understand, and comply with the Rules and Regulations of the Licensing Board.” BLB Rules § 1.00(C). The BLB Rules § 1.09(E), provide as follows:

When any noise, disturbance, misconduct, disorder, act or activity occurs in the licensed premises, in the area adjacent to the licensed premises, or in any parking lot provided by the licensee got the use of its patrons which in the judgment of the Board adversely affects the protection, health, welfare, safety or repose of the residents of the area in which the licensed premises are located, or results in the licensed premises becoming the focal point for police attention, or is offensive to public decency, the licensee may be held violation of the license and subject to proceedings for suspension, revocation or modification of the license.

BLB Rules § 1.09(E).

Section 1.11(E) further provides that “[n]o entertainment at the licensed premises may be conducted in a manner such that the noise from the entertainment can be heard outside the boundaries of the premises.” *Id.* § 1.11(E).

The SBLCA has long and repeatedly violated these rules. For several years, Mr. and Mrs. Burns have tolerated persistent and intolerable noise issues emanating from the SBLCA. Shelby Aff. at ¶ 3; Adam Aff. at ¶ 6. Mr. and Mrs. Burns have consistently documented these incidents,



including, but not limited to, the following:

- On October 28, 2022, the SBLCA hosted a loud party outside the confines of the BLB Rules § 1.09(E). *Id.* at ¶ 7.
- On October 29, 2022, the SBLCA hosted another loud party, on information and belief, without a license. *Id.* at ¶ 8.
- On November 5, 2022, the SBLCA hosted another loud party in violation of § 1.09(E). *Id.* at ¶ 9.
- On November 6, 2022, Mr. Burns met with the SBLCA Manager, Subatis, in person about the violations. Subatis refused to remedy the violations. *Id.* at ¶ 10.
- Less than a week later, on November 12, 2022, the SBLCA again violated the BLB Rules. *Id.* at ¶ 11.
- On February 23, 2023, Mr. Burns followed up with Subatis to meet about the noise violations. *Id.* at ¶ 12.
- On May 3, 2023, Mr. Burns again followed up but to no avail. He did not receive a response. *Id.* at ¶ 13.
- Mr. Burns followed up again on May 18, 2023. He received no response. *Id.* at ¶ 14.
- On September 30, 2023, the SBLCA hosted yet another loud event violating the noise ordinance. The decibel level of this event, on information and belief, exceeded 50 decibels. *Id.* at ¶ 15.
- On October 6, 2023, Subatis finally—after *a year of violations*—acknowledged Mr. and Mrs. Burns’ complaints. His response was an acknowledgment of the issue but a refusal to address it. Subatis wrote to Mr. Burns, “we are grandfathered into our rights” and “[m]aybe you should have checked who your neighbors are before moving in next door.” *Id.* at ¶ 16.
- The violations continued well into November 2023 and throughout 2024. On November 4, 2023, Mr. Burns emailed the licensing board inquiring into their investigation. *Id.* at ¶ 17.
- On November 24, 2023, Mr. Burns again reached out to the City of Boston Licensing Board. *Id.* at ¶ 18.
- On November 28, 2023, Mr. Burns again reached out to the City of Boston Licensing Board. *Id.* at ¶ 19.
- On November 29, 2023, the SBLCA started holding loud nightly rehearsals which went

through Christmas week until well after midnight. *Id.* at ¶ 20.

- On December 14, 2023, the SBLCA held a show running past the licensed deadline of 9:30 p.m. *Id.* at ¶ 21.
- On March 23, 2024, the SBLCA again violated the noise ordinance. *Id.* at ¶ 22.
- On April 27, 2024, the SBLCA held an event with a disc jockey without an entertainment license. *Id.* at ¶ 23.
- On April 29, 2024, the SBLCA was notified by the City of Boston that it did not have the property licenses in place for the event it held on April 27, 2024. *Id.* at ¶ 24.

Mr. and Mrs. Burns further believe that drug use has taken place in cars parked in the SBLCA's parking lot located behind the property (Athens Street), in direct violation of the General Rules for Alcoholic Beverages Licensees, Section 1.13(B) which prohibits illegal drug use or sale or possession or other illegal activity on the licensed premises. *Id.* at ¶ 25.

On May 18, 2024, Mr. Burns reached out to Subatis telling him that Mrs. Burns had recently returned from the hospital, that her rest was important for her recovery, and pleaded with Subatis to control the noise emanating from the SBLCA that evening if an event was being held. *Id.* at ¶ 26. The SBLCA did not respond to or address Mr. Burns' concern. *Id.* On information and belief, the Boston Police Department needed to be called later that evening, and the SBLCA did not have the required permits in place for the event being held. *Id.* It appears that the SBLCA chose to move forward with holding events without the required permits, despite being directly told by the City of Boston Licensing and Consumer Affairs Department in writing that the operation of unlicensed entertainment is a serious violation of applicable standards and that it did not have the required permits for the kinds of events it was holding. *Id.*

Mr. Burns has spoken with the SBLCA managers, including Subatis, several times. *Id.* at ¶ 27. These incidents have substantially interfered with the use and enjoyment of Mr. and Mrs. Burns' private residence by, among other things, (i) causing material disturbances in Mr. and



Mrs. Burns' sleep, both of whom are employed and work full days; (ii) affecting Mrs. Burns' ability to recover from her medical condition; and (iii) causing Mr. and Mrs. Burns to fear for their safety because of suspected illegal drug use at the Premises and Subatis' attempt to record them in their home. *Id.* Mr. and Mrs. Burns have taken extensive steps to attempt to mitigate the noise and vibrations emanating from the SBLCA, including, but not limited to, installing a third windowpane in their bedroom window and purchasing sound mitigating curtains. *Id.* at ¶ 28. Even still, the noise and vibrations emanating from the SBLCA are so excessive that these mitigation steps have been unavailing. *Id.*

Mr. Burns has spoken with several neighbors about the issues caused by the SBLCA. These neighbors have experienced the same problems mentioned above. *Id.* at ¶ 29; *see generally*, Affidavit of Christopher Floyd ("Floyd Aff.") and Affidavit of Charles Watson ("Watson Aff.>"). The noise caused by the SBLCA is so loud that it causes certain units to reverberate. Adam Aff. at ¶ 29; Floyd Aff. at ¶¶ 4-5; Watson Aff. at ¶¶ 4, 7. On information and belief, the SBLCA also uses strobe lighting which affects the lighting in certain nearby units. Adam Aff. at ¶ 29. Many neighbors have also had their sleep significantly impacted and their ability to work disrupted because of the conduct of the SBLCA. *Id.*

Likewise, other neighbors are fearful about leaving their building because they have witnessed drunk individuals (which they believe to be SBLCA party/event attendees) fighting, being aggressive, blocking the building entrance, and consuming alcohol from open containers. *Id.* at ¶ 30; Floyd Aff. at ¶¶ 3-4, 7-8.

Neighbors have also complained about there being numerous broken bottles, cigarette butts, and trash scattered on the ground outside their building. Adam Aff. at ¶ 31; Floyd Aff. at ¶ 8; Watson Aff. at ¶ 6. In addition, neighbors have noticed SBLCA vendors illegally park in

parking lot spaces solely designated for unit owners of their condominium building. Adam Aff. at ¶ 31; Floyd Aff. at ¶ 6. Those neighbors were told by the SBLCA's vendors that they could park in those unit-owned spaces by the SBLCA management. Adam Aff. at ¶ 31.

Several of the neighbors Mr. Burns has spoken with have expressed that they want to come forward in support of this lawsuit and request for an injunction, but are too scared to do so out of fear of retaliation by the SBLCA. Adam Aff. at ¶ 32.

Recently, Subatis, seemingly on behalf of the SBLCA, filmed Mr. Burns at his private residence in an apparent attempt to intimidate Mr. and Mrs. Burns from proceeding with this complaint. *Id.* at ¶ 33. This continued harassment has caused Mr. and Mrs. Burns to live in fear at their own private residential property. *Id.* Mr. and Mrs. Burns submitted a complaint to the City of Boston Licensing Board on July 24, 2024 about investigating the violations mentioned above. *Id.* at ¶ 34. Mr. and Mrs. Burns also submitted a complaint to the Alcoholic Beverages Control Commission Enforcement Division on July 24, 2024 about investigating those violations. *Id.* at ¶ 35.<sup>3</sup> As a result of these incidents, both Mr. and Mrs. Burns have, and continue to, suffer greatly. *See* Affs. of Adam and Shelby Burns.

On August 6, 2024, the Chair of the Licensing Board for the City of Boston and the Executive Director of the Mayor's Office of Consumer Affairs and Licensing offered to meet about the substance of the complaint. Mr. and Mrs. Burns's attorney responded and requested potential meeting times. To date, the City of Boston and Mayor's Office of Consumer Affairs and Licensing has not responded. Adam Aff. at ¶ 36.

---

<sup>3</sup> Upon information and belief, all acts of the SBLCA have been taken at the direction of and/or with the consent of the SBLCA RC. *Id.* at ¶ 38.



The City of Boston recently issued four entertainment licenses for the SBLCA for planned events on October 5, 12, 18, and 25. The October 5<sup>th</sup> event is scheduled to begin at 5:30 p.m. and end at 11:00 p.m. with 100 attendees. The October 12<sup>th</sup> event is scheduled to begin at 7:00 p.m. and end at midnight with 125 people. The October 18<sup>th</sup> event is scheduled to begin at 5:30 p.m. and end at 9:30 p.m. with 75 attendees. The October 25<sup>th</sup> event is scheduled to begin at 5:30 p.m. and end at 11:00 p.m. with 125 attendees. All of these events will have dancing and a disc jockey according to the permits. These planned events further show that we will suffer immediate irreparable harm if relief is not granted. *Id.* at ¶ 37.

### LEGAL STANDARD

It is well established in Massachusetts that the granting of a preliminary injunction is within the discretion of the trial court. *See Martin v. Murphy*, 216 Mass. 466, 468 (1914); *see also T & D Video, Inc. v. City of Revere*, 423 Mass. 577, 580 (1996) (issuing a preliminary injunction generally rests within the sound discretion of the judge, after combined evaluation of moving party's likelihood of success on the merits, its claim of injury, and finally, balancing of competing harms to each party). An injunction may properly issue if the moving party demonstrates: (1) a likelihood of success on the merits; (2) that there is a substantial risk that irreparable harm will result if the injunction is not granted; and (3) that, given the plaintiff's likelihood of success on the merits, the risk of irreparable harm to the plaintiff outweighs the potential harm to the defendant in granting the injunction. *Tri-Nel Mgmt., Inc. v. Board of Health of Barnstable*, 433 Mass 217, 219 (2001); *see also Wilson v. Comm'r of Transitional Assistance*, 441 Mass. 846 (2004); *Siemens Bldg. Techns., Inc. v. Division of Cap. Asset Mgmt.*, 439 Mass. 759 (2003).

## ARGUMENT

*First*, Mr. and Mrs. Burns have a reasonable likelihood of success on the merits of their claims for private nuisance, negligence, negligent infliction of emotional distress, harassment, and invasion of privacy. *Second*, there is a substantial risk that irreparable harm will result if the injunction is not granted. *Third*, the risk of irreparable harm to Mr. and Mrs. Burns outweighs the potential harm to any of the Defendants in granting the injunction.

### I. MR. AND MRS. BURNS HAVE A LIKELIHOOD OF SUCCESS ON THE MERITS ON THEIR FOUR CLAIMS.

#### A. Mr. and Mrs. Burns Have a Likelihood of Success on Their Private Nuisance Claim.

The SBLCA and SBLCA RC are intentionally creating, permitting, and maintaining activities on the Premises which amount to a nuisance. “In order to succeed on a nuisance claim, Mr. and Mrs. Burns must show ‘that the defendant caused ‘a substantial and unreasonable interference with the use and enjoyment of the property’ of the plaintiff.’” *Hambley v. Dalzell*, 2008 WL 1914139, at \*8 (Mass. Super. Apr. 25, 2008) (quoting *Rattigan v. Wile*, 445 Mass. 850, 856 (2006) & *Doe v. New Bedford Hous. Auth.*, 417 Mass. 273, 288 (1994)). The noisy events hosted by the SBLCA and suspected drug use by its members and/or guests are depriving Mr. and Mrs. Burns of “the exclusive right to enjoy the use of [their] premises free from material disturbance and annoyance.” *Hennessy v. City of Bos.*, 265 Mass. 559, 561 (1929).

Mr. and Mrs. Burns have documented several incidents by the SBLCA and SBLCA RC which violated, and continue to violate, the BLB and ABCC regulations. Mr. and Mrs. Burns have tried to remedy these violations in many ways. They spoke to the Defendants. They contacted the BLB. They contacted the ABCC. They made several noise-mitigating purchases



to alleviate the issues. They stayed in hotels or AirBnBs on nights where the SBLCA held events. Even so, they have been unable to use and enjoy their very own home because of the SBLCA's and SBLCA RC's conduct. Mr. and Mrs. Burns cannot sleep through the night anymore. Mrs. Burns has suffered tremendously because she, after leaving the hospital, has been unable to recover as expected due to these disturbances. As a result, Mr. and Mrs. Burns have been stripped of their respective abilities to work, to socialize, and to enjoy everyday pleasures. They are likely to succeed on their private nuisance claim against the SBLCA and SBLCA RC.

B. Mr. and Mrs. Burns Have a Likelihood of Success on Their Negligence Claim.

The Defendants are liable for negligence. "The elements of a negligence claim are that 'the defendant owed the plaintiff a duty of reasonable care, that the defendant breached this duty, that damage resulted, and that there was a causal relation between the breach of the duty and the damage.'" *Correa v. Schoeck*, 479 Mass. 686, 693 (2018) (quoting *Jupin v. Kask*, 447 Mass. 141, 146 (2006)). 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 the BLB and ABCC rules as the SBLCA and SBLCA RC, as owners and operators of the Premises, and the SBLCA, as holder of the Liquor License. The Defendants have failed to exercise the degree of care or competence of a reasonable person many times. They breached, and continue to breach, their duty to Mr. and Mrs. Burns by not conducting these events in a safe, compliant, and legally permissible manner and not interfering with the quiet enjoyment of the Burns' residence. Mr. and Mrs. Burns have suffered substantial loss, as described *supra*, because of these continued violations.

C. Mr. and Mrs. Burns Have a Likelihood of Success on Their Negligent Infliction of Emotional Distress Claim.

Mr. and Mrs. Burns will prove every element of their negligent infliction of emotional distress claim. To do so, they must prove that the Defendants were negligent, Mr. and Mrs. Burns suffered emotional distress, and the negligence caused the distress. *Cote v. Ford's Hometown Servs., Inc.*, 91 Mass. App. Ct. 1122, 1124 (2017). Mr. and Mrs. Burns must also show that they suffered “physical harm manifested by objective symptomatology” and “that a reasonable person would have suffered emotional distress under the circumstances of the case.” *Id.*

For the reasons discussed in the preceding section, Mr. and Mrs. Burns are likely to prevail on their negligence claim. As for emotional distress, Mrs. Burns is suffering physical harm daily as she has been unable to recover from her medical condition following her hospitalization. Mr. Burns, too, has suffered substantially from the noise violations, suspected drug use, and harassment by Subatis. Mrs. Burns has particularly suffered due to her medical condition and has heightened stress and anxiety as a result of the Defendants’ conduct. Additionally, Mrs. Burns works from her residence and has substantially impacted her business and ability to have a consistent flow of income. Mr. and Mrs. Burns have a likelihood of success on their negligent infliction of emotional distress claim.

D. Mr. and Mrs. Burns Have a Likelihood of Success on Their Harassment Claim.

A finding of civil harassment has two distinct assessments. Mr. and Mrs. Burns must first prove that the acts of harassment are willful and malicious. *R.S. v. A.P.B.*, 95 Mass. App. Ct. 372, 375 (2019). They next must prove that the acts are committed with “the intent to cause fear, intimidation, abuse or damage to property.” *Id.* (quoting *O’Brien v. Borowski*, 461 Mass.



415, 420 (2012). They have a likelihood of success on both elements against Subatis.

Since Mr. and Mrs. Burns raised these issues with the SBLCA, Subatis has engaged in a malicious campaign to harass, intimidate, and abuse Mr. and Mrs. Burns. He followed Mr. and Mrs. Burns outside their residence. He has filmed Mr. and Mrs. Burns both outside the residence and attempted to do so inside their residence with a cellular phone. He has taunted them with comments such as telling them “[m]aybe you should have checked who your neighbors are before moving in next door” and undertaking every effort to intimidate them to drop their complaints against the SBLCA. Mr. and Mrs. Burns are likely to prevail on their harassment claim against Subatis.

E. Mr. and Mrs. Burns Have a Likelihood of Success on Their Invasion of Privacy Claim.

“As recognized in the Restatement (Second) of Torts, ‘[e]very individual has some phases of his life and his activities and some facts about himself that he does not expose to the public eye, but keeps entirely to himself or at most reveals only to his family or to close personal friends.... When these intimate details of his life are spread before the public gaze in a manner highly offensive to the ordinary reasonable [person], there is an actionable invasion of his privacy, unless the matter is one of legitimate public interest.’” *Ayash v. Dana-Farber Cancer Inst.*, 443 Mass. 367, 382 (2005) (quoting Restatement (Second) of Torts § 652D comment b (1977)).

Defendant Subatis, on multiple occasions, has engaged in willful and malicious conduct aimed at Mr. and Mrs. Burns, including, but not limited to, by filming them in their private residence. Defendant Subatis has interfered with the Plaintiffs’ privacy and intruded on the Plaintiffs’ right to seclusion and right to be left alone in the Burns Residence. The interference

committed by Defendant Subatis was unreasonable, substantial, and serious, and has forced Mr. and Mrs. Burns to relocate from the Burns Residence to seek privacy and safety.

**II. MR. AND MRS. BURNS WILL SUFFER IRREPARABLE HARM IF THE INJUNCTION IS NOT GRANTED AND THE HARM TO THEM OUTWEIGHS ANY POTENTIAL HARM TO THE DEFENDANTS.**

Mr. and Mrs. Burns will suffer considerable irreparable harm if their requested relief is not granted. "Irreparable harm is that harm which is not capable of vindication by a final judgment at law or in equity." *Hemlock Assocs. of Lakeville, Inc. v. Hyman*, 70 Mass. App. Ct. 1102, 1104 (2007). The Defendants want to socialize in a manner not aligned with the regulations they agreed to abide by when acquiring a liquor license. Mr. and Mrs. Burns, on the other hand, are being deprived of the use and enjoyment of their personal residence on a near daily basis and are suffering medically, financially, and otherwise.

There is no harm to the Defendants in enforcing compliance with the BLB and ABCC rules. The SBLCA and its representatives have shown that they cannot hold events with live music, amplified music, and dancing without violating the very provisions they agreed to comply with. As a result, the only remedy is that the SBLCA be precluded from holding these events until further order of this Court. This balancing of equities supports this requested relief. Mr. and Mrs. Burns face considerable irreparable harm. The Defendants face none. Indeed, if they show they are willing to abide by the regulations they agreed to, and have proper licensure from the City of Boston they can host all the events they would like. But, until they are willing to play by the rules that all others must comply with, injunctive relief is required. *See Packaging Indus. Grp., Inc.*, 380 Mass. at 609 (assessing the balancing of equities when considering injunctive relief).



## CONCLUSION

WHEREFORE, the Plaintiffs' Motion for Temporary Restraining Order/Preliminary Injunction should be ALLOWED. The Defendants South Boston Lithuanian Citizens' Association, SBLCA Realty Corp., and Gintaras Subatis, Club Manager of the South Boston Lithuanian Citizens' Association, together with their agents, employees, attorneys or persons acting on their behalf or under their direction or control, either directly or indirectly shall be restrained and enjoined from: holding any events, banquets, or meetings with recorded or live music, an amplification system, and/or dancing including, but not limited to, weddings, baby and/or bridal showers, anniversaries, graduations, birthday parties, funeral receptions, community meetings and events, corporate and private meetings and events, organization meetings and events, concerts, plays, and performances until further order from this Court.

Dated: October 3, 2024

Respectfully submitted,  
The Plaintiffs Adam Burns and Shelby Burns,  
**RUDOLPH FRIEDMANN LLP**

*Robert Rudolph*

Robert P. Rudolph, Esq. (BBO #: 684583)  
Casey A. Sack, Esq. (BBO #: 708448)  
RUDOLPH FRIEDMANN LLP  
92 State Street  
Boston, MA 02109  
Tel: (617) 723-7700  
[rrudolph@rflawyers.com](mailto:rrudolph@rflawyers.com)  
[csack@rflawyers.com](mailto:csack@rflawyers.com)