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SJC-13990

LINCOLN G. LATHAM, JR. vs. ARAMARK CORPORATION.

November 5, 2026.

Supreme Judicial Court, Superintendence of inferior courts.

Lincoln G. Latham, Jr., acting pro se, appeals from a judgment in the county court denying his petition for relief under G. L. c. 211, § 3. We affirm.

On June 17, 2026, Latham commenced a civil action in the Superior Court seeking injunctive and equitable relief against the respondent. The respondent moved for a thirty-day extension of time to respond to the complaint, over Latham's objection, and the motion was allowed. Latham then filed a petition in the Appeals Court, pursuant to G. L. c. 231, § 118, first par. (§ 118 petition), challenging the allowance of the thirty-day extension. A single justice of the Appeals Court denied the § 118 petition. Six days later, Latham filed the instant petition under G. L. c. 211, § 3, in the county court. A single justice of this court denied the petition without a hearing, and Latham appeals.

Latham has filed a memorandum and appendix pursuant to S.J.C. Rule 2:21, as amended, 434 Mass. 1301 (2001), which requires a petitioner seeking relief from an interlocutory ruling of the trial court to "set forth the reasons why review of the trial court decision cannot adequately be obtained on appeal from any final adverse judgment in the trial court or by other available means."[1] Latham cannot meet that burden here, as

[1] Latham subsequently filed a brief, as well as a motion to file a nonconforming brief. Because rule 2:21 is applicable

he already challenged the trial court ruling in his § 118 petition, and he "was not entitled as of right to additional interlocutory review of that ruling pursuant to G. L. c. 211, § 3." Liriano v. Superior Court in Suffolk County, 497 Mass. 1028, 1030 (2026), quoting Anderson v. Panagiotopoulos, 480 Mass. 1031, 1032 (2018). See Montanez v. Flahive, 484 Mass. 1009, 1009-1010 (2020) ("G. L. c. 211, § 3, does not provide a second opportunity as a matter of right for interlocutory relief, irrespective of whether it is couched as review of the adequacy of the order denying the G. L. c. 231, § 118, petition or as review of the underlying Superior Court orders" [quotation and citation omitted]).[2]

Judgment affirmed.

The case was submitted on the papers filed, accompanied by a memorandum of law.

Lincoln G. Latham, Jr., pro se.

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here, we do not consider that brief and need not rule on the related motion.

[2] Latham's motion titled "Ex Parte Motion to Remove Guest from Hotel," which contains numerous requests for relief that were not presented to the single justice, is hereby denied. See Cariglia v. Bar Counsel, 442 Mass. 372, 379 (2004) ("We do not consider issues, arguments, or claims for relief raised for the first time on appeal"). His request for attorney's fees is also denied.