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SJC-13957

RYAN TARASUIK vs. CHRISTOPHER DeSIMONE, SR., & others.[1]

October 20, 2026.

Supreme Judicial Court, Superintendence of inferior courts.

The petitioner, Ryan Tarasuik, appeals from the judgment of a single justice of this court denying his petition for extraordinary relief pursuant to G. L. c. 211, § 3. We affirm.

Tarasuik is a litigant in the Northeast Division of the Housing Court Department. In his petition to the single justice, filed on June 1, 2026, Tarasuik broadly challenged a series of orders of the Housing Court permitting a sale of the property where he lived as a tenant, allowing work to be performed on the property, and ordering Tarasuik to make use and occupancy payments. In particular, Tarasuik's petition challenged three orders issued in two Housing Court cases brought by Tarasuik against owners of the property: (1) an order dated February 3, 2026, denying Tarasuik's request to enjoin a sale of the property and requiring him to allow the owner to show, inspect, and repair the property; (2) an order dated April 28, 2026, allowing the property owner to move for an order requiring Tarasuik to make use and occupancy payments;[2] and

[1] 162 Washington LLC, and Rock and Sons Property Management LLC.

[2] That order also required the owner of the property to provide notice to Tarasuik prior to performing certain work, required the owner to comply with a local ordinance limiting work hours, and noted that the owner waived service of the order.

(3) an order dated May 28, 2026, requiring Tarasuik to make use and occupancy payments. In addition to seeking relief from these orders, Tarasuik also moved the single justice to stay these orders and all proceedings in the Housing Court.

In her judgment denying Tarasuik's petition, the single justice concluded that the petition did not demonstrate "the type of exceptional matter that requires the court's extraordinary intervention," and further, that adequate alternative remedies were available to Tarasuik. Commonwealth v. Fontanez, 482 Mass. 22, 25 (2019). See id. at 24-25. As to Tarasuik's motion, the single justice concluded that a stay was not necessary to avoid irreparable harm. Tarasuik moved for reconsideration, and his motion was denied.

Tarasuik appeals from the judgment of the single justice.[3] "In cases such as this one, where the single justice exercises discretion not to reach the merits of a petition" seeking relief pursuant to G. L. c. 211, § 3, "the full court asks only whether the single justice abused his or her discretion in making that decision" (quotation and citations omitted). Boone v. Commonwealth, 494 Mass. 1011, 1012-1013 (2024). "The single justice is not required to become involved if the petitioner has an adequate alternative remedy or if the single justice determines, in his or her discretion, that the subject of the petition is not sufficiently important and extraordinary as to require general superintendence intervention." Fontanez, 482 Mass. at 24-25.

Here, Tarasuik did not sufficiently explain why review of the disputed orders could not have been obtained in the ordinary course of appeal from any final judgments or, to the extent they were interlocutory orders, by way of review pursuant to G. L. c. 231, § 118, first par. See Harihar v. Commonwealth, 497 Mass. 1013, 1014 (2026) (discussing direct appeal as adequate alternative); Greco v. Plymouth Sav. Bank, 423 Mass. 1019, 1019-1020 (1996) (review pursuant to G. L. c. 231, § 118, first par., where available, is adequate alternative to G. L. c. 211, § 3).

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[3] Tarasuik filed a memorandum and appendix pursuant to S.J.C. Rule 2:21, as amended, 434 Mass. 1301 (2001), which applies where "a single justice denies relief from a challenged interlocutory ruling in the trial court." S.J.C. Rule 2:21 (1). We assume without deciding that Tarasuik's appeal is not limited by the requirements of rule 2:21, but as described herein, we conclude that Tarasuik was not, in any event, entitled to relief pursuant to G. L. c. 211, § 3.

Indeed, in successive petitions to single justices of the Appeals Court, Tarasuik requested and received review pursuant to G. L. c. 231, § 118, first par., of an order denying a request to enjoin a sale of the property, as well as the order requiring him to make use and occupancy payments. Although his requested relief was denied in each instance, the fact that he "did not receive the relief in that court that he desired . . . does not render the relief inadequate or entitle him to relief pursuant to G. L. c. 211, § 3." Harihar, supra.

As Tarasuik has not demonstrated the absence of adequate alternative relief, the judgment of the single justice is affirmed.[4]

Judgment affirmed.

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

Ryan Tarasuik, pro se.

[4] As Tarasuik was not entitled to the relief sought in his petition, we discern no abuse of discretion or error of law in the denial of his motion to stay.