

March 30th 2025
3 Sivan 5785

COMMONWEALTH OF
MASSACHUSETTS.

Norfolk, ss

Office of the civil Clerk
Norfolk Superior Court

650 High Street
Dedham, Ma. 02026
Civil Action No. 1982CV00729

October 2020
22 Tishrei 5781

XXXXXX XXXXXX Zeltzer
A.K.A XXXXX Zeltzer
Plaintiff

v.

Dr. XXXXX XXXXX Psy.D D.
Defendant

**Motion to expedite the process of finding medical members
for the medical tribunal Experts**

Civil Action No. 1982CV00729

Plaintiff XXXXX XXXXXX Zeltzer who is a pro se litigant in Civil

Action No. **1982CV00729**

respectably asks the court to grant her an ex parte hearing to expedite the search to find the members for the medical tribunal in her case against the defendant Dr. XXXXX XXXX Psy.D. in this medical malpractice case

because of her deteriorating grave mental health disability and inability to obtain long term quality mental health care with a safe female trauma therapist who understands the

long-term advertise effects of the defendant's misconduct and mistreatment which included failed adequate professional boundaries and also taking reasonable steps to avoid

development of a potential harmful relationship in violation of the

APA Code s. 3.05 (a) (b) adopted by reference under 251CMR 1.10(1).

The commonwealth laws SECTION 1. Section 1 of Chapter 123 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after the definition of “Funds”, in lines 15 to 18, inclusive, the following definition:-

"Gravely disabled", a condition evidenced by behavior in which a person, as a result of a mental disorder, becomes likely to experience serious harm or illness because of that person's inability to provide for that person's basic physical needs, including medical and psychiatric treatment and shelter.

Grave disability is typically defined as an inability to provide for basic personal needs for food, clothing, or shelter. In some states, the disability must be so grave as to cause substantial risk that the individual will experience harm.

In Alaska, for example, “‘gravely disabled’ means a condition in which a person, as a result of mental illness, (A) is in danger of physical harm arising from such complete neglect of basic needs for food, clothing, shelter, or personal safety as to render serious accident, illness, or death highly probable if care by another is not taken; or (B) will, if not treated, suffer or continue to suffer

severe and abnormal mental, emotional, or physical distress, and this distress is associated with significant impairment of judgment, reason, or behavior causing a substantial deterioration of the person's previous ability to function independently" (Alaska Stat., § 47.30.915(9)).

XXXXXXXX XXXXXX Zeltzer a.k.a XXXXXX Zeltzer the plaintiff and the pro se litigant in this case is a survivor of treatment abuse by the defendant and suffers from PTSD, complex trauma, and generalized anxiety.

The plaintiffs documented mental health disability is on record with this court as well as her indigent status.

The plaintiff XXXXXX XXXXXX Zeltzer a.k.a is in an acute state of psychiatric distress and is seeking out the courts permission to grant her an ex parte hearing to expedite the search to find the members for the medical tribunal in this medical malpractice case against Dr. XXXXX XXXXXX Psy.D the defendant.

The Plaintiff would be open to a zoom meeting to have the Exparte hearing due to the Covid 19 pandemic if both parties agree to this. The Plaintiff is wanting to be able to go to trial as soon as possible since this case is over a year old and the plaintiff has been trying to reclaim her life and get the damages she deserves based on the injurious behavior from the defendant.

It has been 5 years and counting since the plaintiff started the process of emancipating herself from the mistreatment and professional misconduct of the defendant in Oct. 2016 when she filed a claim against the defendant with the

Office of Professional Misconduct in Ma.

Where the defendant was found accountable of professional misconduct against the plaintiff.

It is now Sept. 9th 2020 and the plaintiff is gravely disabled from her mental health conditions and is having an extremely hard time with her basic self-care and has recently taken a serious fall because some of the side effects of her medication.

Despite her best efforts to find long term care with a safe trauma informed and trauma focused female therapist who that can support the plaintiff's complex issues from the defendants retraumatizing of her mental health and the derailment of the plaintiff's life.

The Plaintiff has been extremely pro-active to seek out treatment even during the Covid 19 pandemic with her government insurance and has enrolled in some short-term care for her condition.

Please see filing with this court.

The plaintiff was not able to continue this mental health care long term care based on her insurance.

She has also been denied mental health care at several clinics and short-term programs at some of Massachusetts leading mental health hospitals for trauma treatment because she is involved in this civil suite and told it was against their policy to admit or accept her until her civil suite is over.

The Plaintiff is not a threat to others but struggles with gave depression and anxiety due to her declining mental health and lack of long-term mental health care.

The Plaintiff lives alone, has little family support in the state of Boston Ma. and has had to put the next phase of her business plan and marketing goals on hold since this case began because of her declining mental health and inability to find long term mental health treatment.

The plaintiff's mental health has become sub-acute and she is very unstable.

Because of the pandemic and the suspension of the court's cases due to effects of the "new normal" priority of the court cases

this case continues to remain open and not move forward.

That is why the Plaintiff is requesting this Exparte hearing today she is aware of her declining mental health status and the sub-acute condition she is presently in now.

The Plaintiffs fears she will not be able to realistically be able to move forward with this case and claim the damages she is seeking from the defendant to get long term mental health treatment she needs and if the search for the medical members is not expedited relatively soon.

The plaintiff just experienced a serious fall from the side effects from her medication last week and is still very ill as she writes this motion. She is gravely disabled at the moment but is forcing herself because she needs to have this case heard by a jury and resolved despite the “ New Normal”.

Grave disability is typically defined as an inability to provide for basic personal needs for food, clothing, or shelter. In some states, the disability must be so grave as to cause substantial risk that the individual will experience harm. In Alaska, for example, “‘gravely disabled’ means a condition in which a person, as a result of mental illness, (A) is in danger of physical harm arising from such complete neglect of basic needs for food, clothing, shelter, or personal safety as to render serious accident, illness, or death highly probable if care by another is not taken; or (B) will, if not treated, suffer or continue to suffer severe and abnormal mental, emotional, or physical distress, and this distress is associated with significant impairment of judgment,

reason, or behavior causing a substantial deterioration of the person's previous ability to function independently” (Alaska Stat., § 47.30.915(9)).

The plaintiff won an appeal with the Massachusetts Office of rehabilitation to support her business plan for her company Tzedeck.com in 2015.

This also included long term technology support with Easter Seals and financial resources to market her artistic endeavors for her award-winning short film “A Reynah in Exile” and her music and motivational product.

The Plaintiff completed these vocational goals of her business plan but has had to stop and start on several occasions with her computer training and advancement of her next phase of business plan due to her decline of her mental health.

She is unable to work at this moment because she is too sick which is adding to her depression.

She also won a scholarship to go back to Berklee College of Music Institute for special needs students for the Summer and Fall 2020 but she is so ill at the moment going to have to put her classes on hold for the second time due to her declining mental health and not being able to obtain quality care long term mental health treatment.

That is why the Plaintiff is asking the court to expedite the search for the members for the medical tribunal hearing before it will not be a realistic option for the plaintiff due to her declining mental health.

The plaintiff XXXXXXX Zeltzer A.K.A XXXXX Zeltzer is considered a constitute of the underclass in the United States of América.

The plaintiff has been working all summer with her psychiatrist Dr. XXXXX XXXXX on a major medication adjustment to try to help the plaintiff feel better and stabilize so she can do her basic self-care and high function living.

And has been committed to checking in with him with sleep records and check in calls weekly to try to find ways for her to survive this very serious decline in her mental health and stability.

She is still working with Dr. XXXXX and now had this fall and had to stop one of the medicines for her depression. She is very dizzy and sick as she writes this motion but has to push on.

She is still dizzy from the meds and now she is working with her Dr. XXXXX to lower meds and if the dizziness continues, she will have to go to a neurologist because she is not stable.

Background and Allegations for this civil suite case and why the plaintiff is requesting this Exparte hearing from the court.

- This is a medical malpractice case in which the pro se litigant XXXXX XXXXX Zeltzer also known as XXXX Zeltzer filed a claim against the defendant Dr. XXXX XXXX at the Norfolk Superior court in Dedham Ma. which was opened and filed on June 5th 2019.
- This is a civil suit claim against the defendant Dr. XXXXX XXXX her former mental health provider for professional misconduct and his breach of fiduciary responsibility towards the pro se litigant and his former his patient XXXX XXXX Zeltzer a.k.a XXXX Zeltzer.
- The Defendant Dr. XXXX XXXX was found accountable for professional

misconduct by the state of Massachusetts by the board of professional misconduct licensing division and entered into an agreement with the state Massachusetts on August 17th 2018.

- The defendant in this civil suite case Dr. XXXX XXXX agreed to the enforcement of Massachusetts general laws,
- regulations and standards applicable to the practice of psychology in Massachusetts to serve his probation and unlimited supervision for his professional misconduct.
- This agreement with the state of Massachusetts included probation for six months and unlimited supervision of his

practice until the State decreed when it should be lifted.

- This decision was made after a two-year investigation
- This claim was not dismissed or barred pursuant to Rule 12 of the Massachusetts rules of procedure which includes both the statutes of limitations and the status of repose.
- A Rule 12 motion to dismiss is to be allowed if the the plaintiff can prove no set of facts in support of her claim, which would entitle her to relief.
- A complaint is sufficient “ unless it appears beyond a doubt that the plaintiff can prove no set facts of his/her claim which would entitle him/her to relief.
- “Marram V. Kobrick Offshore Fund LTD, 442(2004). The Plaintiffs burden is Relatively light”. Gibbs Ford, Inc. V Untied Truck leasing Corp, 399 Mass. 8 (1987).

- Nader v. Citron, 372 Mass. 96, 98 (1977), “ The allegations in the complaint will be treated as true, and the plaintiff is entitled to all favorable inferences as well. “General Motors Acceptance Corp. v. Abington Cas. Ins. Co., 413, 584, 1992).
- The plaintiff alleged facts raising an issue as to the tolling of the applicable statute of limitations
- M.G.L.A 260 & reads:
- If the person entitled there is a minor, or is incapacitated by reason of mental illness when a right to bring an action first accrues, the action may be commenced within the time hereinbefore limited after the disability is removed.
- A hearing was held on this matter on November 6,2019 with the honorable Justice of Superior Court Judge William F. Sullivan on these issues.
- A review of the record revealed that a factual issue remained in dispute as to whether the plaintiff was suffering from

mental disabilities at the time such that she was entitled to the protections for the tolling of provisions of G.L. C. 260 & 7.

In support of her tolling claim, the plaintiff relied on her history of being a US citizen with documented grave mental health disability that made it nearly impossible for the plaintiff to leave the defendant.

- The Plaintiff wants to ask permission from the court today to expedite the process of finding the medical tribunal members for the case because her mental health diagnosis of PTSD, and complex trauma, and generalized anxiety has worsened since this case was filed on June 5th 2019.
- This case was filed on June 5th 2020 and is still open currently on the present-day October ____ 2020
- The plaintiff is a former part time teacher for young children in the Jewish community in Boston Ma. and taught her students about

G-d, Jewish Holidays, and the Torah.

The Plaintiff was also working on her dream of becoming a professional artist and professional business women in the music business and moved to Boston Ma. to go to Berklee College of Music before entering into a therapeutic relationship with the defendant in 2008.

- The Plaintiff had 14 years of long-term safe quality care and trauma informed with female therapists and had been med compliment since she was 24 years old and is still on her meds 30 years later.
- The Plaintiff was healing making huge progress both in her healing from her past trauma and her vocational goals before meeting the defendant in 2008.
- The plaintiff was also working as part time teacher for young children in the Jewish community in the City of Boston and Brookline MA for 14 years and taught her students about G-d, Jewish Holidays, and the Torah prior to meeting the defend 2008.

- The Plaintiff was also working part-time as a hostess in local restaurants in Boston Ma. to pay for her co- payments for her mental health treatment with her therapists as well as other out of pocket medical expenses.
- She was also financially supporting herself with this part time work to subitize her government assistance that her insurance did not cover despite her mental health disability before meeting the defendant 2008.
- Fast forward to the present-day Sept—2020 the Plaintiff can barely function, cannot work and has been suffering from her PTSD, Complex Trauma, and medication side effects for the last several months and her condition is acute and is not getting better.
- The Plaintiff is so ill but knows if she does not push through with this case that her

chances of ever getting stable again and living the quality of life, she once has is very slim.

- That is why the plaintiff XXXX XXXX Zeltzer A.K.A XXXX Zeltzer is asking the court today expedite the search for the members of the medical tribunal so we can find out if the evidence that was submitted in March 2020 is enough to go forward to discovery and with a Jury trial.
- The plaintiff suffers from suicidal ideations and does not want to die from suicide.
- However, the Plaintiff can longer “radically accept” a broken mental health system in which she cannot access the advance level mental health care she needs and deserves while her quality of life and her mental health conditions continue to plummet into

“grave mental health status” where she does not see a way out.

- That is why the Plaintiff is writing this motion because she knows that she no one is coming to save her at 54 years old women and that she is responsible for taking full responsibility for herself since there is no one else to do this for her despite how sick she is and how gravely disabled she is at the moment.
- The plaintiff’s long-term goal if she is awarded the damages in this civil suite is to pay for the quality mental health care she needs and deserves to heal from the breach of fiduciary responsibility of the defendant in this case Dr. XXXX XXXX
- Plaintiff wants to partner with all organizations and individuals to set up

- The 501C called

The Esther Hamalka One Dollar Fund

- #EstherHamalkaOneDollarFund
- to be able to support other Clergy Abuse survivors from all faiths the with financial resources they need to have a better quality of life.
- And support all survivors of all faiths with the financial resources they need so they can obtain safe quality care mental health treatment.

The Plaintiff is considered being in most vulnerable class of citizens here in the USA along with other men, women, and

children, and adult children just like her who share the same diagnoses and vulnerabilities and financial resources.

These men women and children are still the most underserved and under resourced population among us today in the year 2025 to be able to access long term safe professional trauma - informed and trauma focused providers who are sage and could help with both coping skills and well as psychodynamic work by creating a long term safe place to heal.

The plaintiff wants to thank the court for their time today and really apologizes for having to do an Exparte hearing and my mental health is so gravely impaired that I feel this was my only realistic choice besides continuing to seek out temporary short-term care which she is still doing.

Wherefore, the plaintiff XXXX XXXX Zeltzer A.K.A XXXX Zeltzer respectfully requests this Honorable court to expedite the search for the members of the medical tribunal

in this medical malpractice case against the dependent Dr.
XXXXXX XXXXXX.

Sincerely,

XXXXXX XXXX Zeltzer

Plaintiff

Pro Se Litigant

Tzedeck.com

Brookline, Ma.

#EstherHamalkaOneDollarFund

Tzedekmusiccopyrightallrightsreserved2025