

NOTICE: Summary decisions issued by the Appeals Court pursuant to its rule 1:28, as amended by 73 Mass. App. Ct. 1001 (2009), are primarily directed to the parties and, therefore, may not fully address the facts of the case or the panel's decisional rationale. Moreover, such decisions are not circulated to the entire court and, therefore, represent only the views of the panel that decided the case. A summary decision pursuant to rule 1:28 issued after February 25, 2008, may be cited for its persuasive value but, because of the limitations noted above, not as binding precedent. See Chace v. Curran, 71 Mass. App. Ct. 258, 260 n.4 (2008).

COMMONWEALTH OF MASSACHUSETTS

APPEALS COURT

19-P-821

O.L.

vs.

F.M.

MEMORANDUM AND ORDER PURSUANT TO RULE 1:28

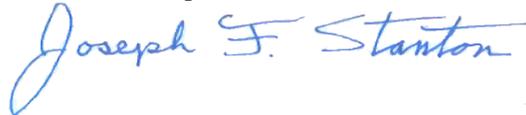
Pro se defendant F.M. appeals from a G. L. c. 258E harassment order sought and obtained by O.L., F.M.'s upstairs condominium neighbor. The order was issued on May 13, 2019. On appeal, F.M. claims that (1) two of the three harassing incidents cited by O.L. did not involve O.L. but involved O.L.'s wife; (2) the judge never specified which three acts were used to justify the order; and (3) the evidence was insufficient to support the order.

Due to critical insufficiencies in the record, we must affirm. Here, F.M. provides the original 258E order issued by the District Court judge and the transcript of the hearing but failed to include a copy of O.L.'s harassment prevention order complaint and accompanying affidavit. Without those documents, we are unable to determine which incidents O.L. cited in seeking

the order and whether the evidence was sufficient to support those allegations.<sup>1</sup> See G. L. c. 231, § 119 ("No error . . . is ground for modifying or otherwise disturbing a judgment or order unless the appeals court . . . deems that the error complained of has injuriously affected the substantial rights of the parties"). An appellant has the duty to furnish a sufficient record, and if she fails to do so, she forfeits consideration of any contention for which the record is deficient. See Arch Med. Assocs., Inc. v. Bartlett Health Enters., Inc., 32 Mass. App. Ct. 404, 406 (1992).

Order dated May 13, 2019,  
affirmed.

By the Court (Desmond,  
Wendlandt &  
McDonough, JJ.<sup>2</sup>),



Clerk

Entered: February 13, 2020.

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<sup>1</sup> Despite a thorough review of the transcript, we are unable to determine the three incidents relied on. Nonetheless, there appears to have been a number of disputes and legal actions between the parties over a two-year period, some of which were mentioned during the hearing. Of critical importance here is the fact that the judge noted multiple times during the hearing that he had either read or was reading O.L.'s underlying affidavit.

<sup>2</sup> The panelists are listed in order of seniority.