

NICHOLAS L. TRIANTOS

BBO # 552359

Public Reprimand No. 2024-10

**Order (public reprimand) entered by the Massachusetts Board of Bar Overseers of the
Supreme Judicial Court on July 29, 2024.**

By stipulation, the respondent received a public reprimand for pursuing claims and an appeal where there was no basis in law or fact that was not frivolous and knowingly disobeying obligations under the rules of a tribunal.

SUMMARY¹

In 2014, a bank acquired the respondent's personal real estate by foreclosure deed and, in 2016, filed a summary process action against the respondent for possession of the property. The respondent, through counsel, removed the action to the Northeast Housing Court and filed an answer with counterclaims and a third-party complaint against various entities including the law firm representing the plaintiff. Separately, the respondent, through counsel, filed an action against the same third-party defendants in the Superior Court alleging, *inter alia*, violation of the Racketeer Influenced and Corrupt Organizations ("RICO") Act. The case was removed to the U.S. District Court, after which the respondent entered his appearance *pro se* and his prior counsel was permitted to withdraw.

In 2017, in violation of Fed. R. Civ. P. 15, the respondent filed a second amended complaint in the U.S. District Court without first obtaining leave from the court. The court allowed a motion to strike the second amended complaint, observing that no motion for leave had been allowed. Thereafter, the court found the original complaint was deficient and dismissed it with prejudice. Upon respondent's appeal, the First Circuit affirmed the dismissal and found that, to the extent the respondent's various challenges to the foreclosure were not waived, they were either squarely foreclosed by precedent or lacked merit. The respondent's petition for writ of certiorari in the U.S. Supreme Court was denied.

In 2021, one of the third-party defendants filed a motion requesting costs, expenses, and attorney fees. The U.S. District Court found the respondent's action had been meritless and entered an order pursuant to Fed. R. Civ. P. 11 imposing a sanction against the respondent in the amount of \$10,000 in attorney's fees and costs of \$32.00. Although the respondent filed a notice of appeal, the sanctions order was not stayed. The respondent, however, did not pay the sanctions ordered by the court until after bar counsel filed a petition for discipline.

In aggravation, the respondent had a 2010 public reprimand for IOLTA record-keeping violations. As the prior misconduct was unrelated to the misconduct at issue, it had minimal weight on the sanction.

¹ Compiled by the Massachusetts Board of Bar Overseers' Office of General Counsel based on the record of proceedings before the board.

The respondent's conduct in bringing and continuing to pursue claims and an appeal where there was no basis in law or fact for doing so that was not frivolous violated Mass. R. Prof. C. 3.1. The respondent's knowing failure to seek leave to file an amended complaint and to comply with a court's sanctions order violated Mass. R. Prof. C. 3.4(c).

The parties filed a stipulation as to the respondent's misconduct and rules violations and jointly recommended to the Board of Bar Overseers ("Board") that the respondent receive a public reprimand. On June 10, 2024, the Board voted to sanction the respondent by public reprimand.