

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
JOSE MARIA DeCASTRO,)	
Plaintiff,)	
)	
v.)	C.A. No. 1:25-cv-11610-ADB
)	
JOSHUA ABRAMS,)	
DALE HILLER,)	
KATHERINE PETER,)	
JOHN DOES 1 THROUGH 5,)	
Defendants.)	
_____)	

**DEFENDANT JOSHUA ABRAMS AND DALE HILLER’S
MOTION TO DISMISS AND REQUEST FOR SANCTIONS**

NOW COME defendants Joshua Abrams (“Abrams”) and Dale Hiller (“Hiller”) who respectfully move to dismiss the First Amended Complaint filed by plaintiff Jose Maria DeCastro, with prejudice, for failing to state a claim for which relief can be granted due to this lawsuit being an impermissible claim split and, substantively, for failing to timely file the claim within the applicable statute of limitations (FED. R. CIV. P. 12(b)(6)), for lack of subject matter jurisdiction due to a failure to meet this Court’s \$75,000.00 amount-in-controversy requirement (FED. R. CIV. P. 12(b)(1)), and – with respect to Hiller, only – for lack of personal jurisdiction (FED. R. CIV. P. 12(b)(2)).

Abrams and Hiller further move for the imposition of financial sanctions against DeCastro (including the payment of their reasonable attorneys’ fees arising out of their defense of this frivolous lawsuit) to penalize his bad faith motives in furthering this case, and to ensure that he is not incentivized to bring more frivolous litigation in the future.

Abrams and Hiller incorporate herewith their Memorandum of Law in support of this motion as if fully stated herein.

Respectfully Submitted,

/s/ Joshua N. Garick, Esq.

Joshua N. Garick (BBO #674603)
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Counsel for Joshua Abrams and Dale Hiller

Dated: January 20, 2026

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Joshua N. Garick

Joshua N. Garick (BBO #674603)

Dated: January 20, 2026

LOCAL RULE 7.1(A)(2) CERTIFICATE

I certify that, in compliance with Local Rule 7.1(a)(2), I conferred with plaintiff and have attempted in good faith to resolve or narrow the issues that are the subject of this motion.

/s/ Joshua N. Garick

Joshua N. Garick (BBO #674603)

Dated: January 20, 2026