



contempt based upon promise to refrain from further contact with the GAL and depositing \$5,000 security into the Registry of the Superior Court). VC at ¶ 34.

4. Hearing, February 28, 2002: Cesario found in contempt for drafting a disciplinary complaint letter concerning Carol's divorce attorney, in violation of order prohibiting him from interfering with the Divorce Proceeding, VC at ¶¶ 39-40; sentenced to 15 days at the ACI, but allowed to purge sentence by depositing additional \$5,000 into the Superior Court Registry; (original \$5,000 released to Bergquist). See Bergquist, 844 A.2d at 110.<sup>1</sup>

NOTE: Upon appeal, the Rhode Island Supreme Court, with one exception, affirmed all of the foregoing rulings and orders. See Bergquist, 844 A.2d at 104-111. The court found that the August 20, 2001 order unconditionally incarcerating Cesario constituted a criminal contempt sanction that was not imposed in compliance with R.I. Superior Court Rule of Criminal Procedure 42, but re-characterized that order as a civil contempt, and affirmed the August 31 condition of release prohibiting Cesario from contacting the Bergquist children. Id. at 106-108. The court also rejected Cesario's procedural due process claims as to several of the

---

<sup>1</sup> This order was amended on April 15, 2002 to provide that Cesario could apply for the release of the registry funds after one year. See VC at ¶ 6; Bergquist, 844 A.2d at 110.

hearings, in part due to his failure to provided pertinent transcripts. Id. at 104, 105-106, 108-109, 109-110.<sup>2</sup>

5. Hearing, August 21-22, 2002: Superior Court Justice *sua sponte* found that Cesario violated R.I. Super. R. Civ. P. 11 by filing certain *pro se* pleadings. See VC at ¶ 50.

6. Hearing, May 1, 2004: Court, *inter alia*, denied cross motions for contempt filed by Bergquist and Cesario (based on alleged violations of the respective restraining orders); ordered both Bergquist and Cesario to refrain from filing any further *pro se* pleadings in the Superior Court action, upon risk of being found in criminal contempt. Id. at ¶¶ 45, 47.

Family Court Proceedings:

1. Two decrees entered in the Divorce Proceeding: "Decision Pending Entry of Final Judgment" dated on or about September 27, 2001;<sup>3</sup> and Judgment for divorce of Stephen and Carol Bergquist entered on December 18, 2001 ("Final Divorce Judgment").

---

<sup>2</sup> This Court takes judicial notice that in the course of denying rehearing, the Rhode Island Supreme Court stated that it had "thoroughly reviewed" several hearing transcripts filed by Cesario after its February 9 decision -- which had not been available to it in making that decision -- and had concluded that nothing therein caused it to alter its prior determination of the issues decided. See Stephen Bergquist v. John Cesario, Dkt. Nos. 02-614-MP and 03-66-A, unpublished Order dated April 9, 2004 at 2. See also VC at ¶69 at 25.

<sup>3</sup> The Court adopts the date reflected in the Docket for the Divorce Proceeding. A copy of this decree does not appear in the record.

2. Order entered on March 24, 2004: Transferring placement of the Bergquist children to Stephen Bergquist and giving Carol unlimited visitation with the children, so long as Cesario was not present (the "Change of Placement Order"). See VC at 30, ¶¶ L-M.

NOTE: The Change of Placement Order was affirmed in all respects by the Rhode Island Supreme Court in October 2005. See Carol Bergquist v. Stephen Bergquist, Dkt. No. 2004-296-Appeal, Order dated October 20, 2005 (R.I. Supreme Court) (unpublished).