

1 COMMONWEALTH OF MASSACHUSETTS
2 Essex, ss. Dept. of the Trial Court
3 Superior Court Division
4 No. ESCV 2014-00487
5

6 * * * * *

7 ROBERT M.A. NADEAU, *
8 Plaintiff *

9 vs. *

10 NANCY [MADORE] and *
11 [MARYANN], *
12 Defendants *

13 * * * * *

14

15 DEPOSITION OF: ROBERT M.A. NADEAU
16 Law Office of Steven R. Merritt
17 111 Main Street
18 Amesbury, Massachusetts
19 March 6, 2015 9:00 a.m.
20

21

22

23 Linda Castanino
24 Registered Professional Reporter

1 APPEARANCES:

2

3 Representing the Plaintiff:

4 Law Office of Steven R. Merritt

5 [Address]

6 [City, State, Zip]

7 (978) 792-8101 [Phone]

8 [Email]

9 BY: STEVEN R. MERRITT, ESQ.

10

11 Pro se:

12 NANCY MADORE

13 [Address]

14 [City, State, Zip]

15 [Phone Number]

16 [Email Address]

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I N D E X

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1 A. That is not relevant.

2 **Q. It is relevant. It was used in court**
3 **documents. You argued against a court order**
4 **that Attorney Merritt was only**
5 **being mentored by you, not acting as an attorney,**
6 **or not able to act as an attorney. I want to**
7 **know about the mentoring. Why is he being**
8 **mentored?**

9 A. The court had no problem with that
10 representation. I have every reason to believe
11 that the judge understands what that meant.

12 **Q. The judge has not responded to that**
13 **yet. I am asking you; Why are you mentoring**
14 **Steven Merritt?**

15 A. That is not relevant to the pending
16 proceeding.

17 **Q. Your objection is noted.**
18 **Please answer the question.**

19 A. I am not answering.

20 **Q. Okay. If you are not going to answer**
21 **my questions, which are all relevant--you used**
22 **them in court documents so I have a right to know--**
23 **if you are not going to answer them, I am going**
24 **to have to go to court and ask for sanctions. I**

1 **will have to suspend this deposition and**
2 **go to court.**

3 A. You do what you need to do. If the
4 judge has any questions what the mentoring is about
5 I would be happy to answer them. I have every
6 reason to believe that the judge understands
7 what that is about.

8 **Q. Just answer the question.**

9

10 A. Lawyers and judges know that there
11 are occasions when an attorney less experienced
12 in certain areas of law may consult with more
13 experienced attorneys to gain guidance and
14 information to enable them to efficiently handle
15 legal matters on behalf of the junior attorney's
16 client. Attorney Merritt, from time to time while
17 representing other clients, has questions about
18 procedural and other legal issues pertinent to
19 other client matters and therefore asks me
20 questions to obtain guidance to evaluate how
21 he might best represent his respective clients
22 in isolated incidents.

23 **Q. Okay. Thank you. Do you pay**

24 **Attorney Merritt to represent you while you are**

1 **mentoring him?**

2 A. Do I pay him?

3 **Q. Do you pay him to represent you?**

4 A. How is that relevant? Explain the
5 relevance.

6 **Q. You sent me bills.**

7 **Did you or did you not tell the judge in your**
8 **affidavit--in a sworn statement--that the money**
9 **you spent on a case is discovery. You were**
10 **offering it up as discovery, those bills,**
11 **weren't you?**

12 A. Yes.

13 **Q. That is what you said. So you tell**
14 **me how it's relevant then.**

15 A. Those bills are relevant to establish
16 the amount of time in this litigation to attempt
17 to right the wrong that you did.

18 **Q. That is not what I asked you.**

19 A. What are you asking?

20 **Q. I am asking for relevance. I didn't**
21 **ask about any wrong. What is the relevance of**
22 **those bills?**

23 A. Those bills establish the value of my
24 time.

1 **Q. Thank you.**

2 A. And the economic harm that I have
3 been incurring and they are indicative of the
4 corresponding value of the time Attorney Merritt
5 has also spent on this case.

6 **Q. Right. So I am asking you. You**
7 **asked me about payments I made last time--**
8 **In my deposition, you asked**
9 **me how much I paid Scott Gleason. That is what**
10 **you asked me, did you not?**

11 A. In a prior proceeding yes.

12 **Q. Yes. In the deposition**
13 **two weeks ago, you asked me how much I**
14 **paid Scott Gleason.**

15 A. In connection with a prior case.

16 **Q. Exactly. And I am asking you;**
17 **Did you pay Attorney Merritt in this case and**
18 **the previous case? Did you pay him money?**

19 A. Yes. And there is an expectation of
20 payment on his behalf and I need not disclose
21 the terms of that.

22 **Q. I didn't ask that.**

23 A. I have answered the question, ma'am.

24 **Q. Were you mentoring Attorney Merritt**

1 **in the previous lawsuit you filed against me**
2 **too?**

3 A. There was experience that was
4 being gathered by him during the course of that,
5 yes.

6 **Q. And how much did you pay Attorney**
7 **Merritt for the work he did in that previous**
8 **case?**

9 A. I don't need to discuss that. That
10 is not relevant to this proceeding.

11 **Q. You asked me the same question in the**
12 **last deposition, and when I objected, you said it**
13 **was relevant.**

14 A. The difference, ma'am, is that you, in
15 connection with your book, waived your
16 attorney/client privilege with respect to your
17 communication with Mr. Gleason.

18 **Q. No, I didn't.**

19 A. Well, you were respectively --

20 **Q. I am not going to argue with you**
21 **about every question. If you object, go on the**
22 **record and then answer the question.**

23 **How much did you pay Attorney Merritt?**

24 MR. MERRITT: I am going to object

1 under attorney/client privilege. If you
2 need to obtain a protective order you can
3 certainly do that.

4 MS. MADORE: I am going to ask for
5 sanctions on this one.

6 **Q. Speaking of bills, was that the**
7 **proper way to submit discovery, by**
8 **sending me monthly invoices that appeared to be**
9 **bills? Is that the appropriate way to submit**
10 **discovery?**

11 A. In my view yes. Economic damages are
12 an aspect of this case.

13 **Q. I didn't ask that. Is that the**
14 **proper way to submit discovery?**

15 A. First of all, ma'am, you are asking
16 for a conclusion of law.

17 **Q. I am asking for your opinion.**

18 A. If you will let me finish. When I am
19 speaking it's very difficult for the court
20 reporter to get everything down if you
21 constantly interrupt which is what you have been
22 doing.

23 Now, to answer your question, ma'am, the
24 judge can make his determination. You are

1 asking for a conclusion of law, not a matter of
2 fact. You don't understand the difference but
3 yes, you are. The fact of the matter is that,
4 yes, sharing economic damage information is an
5 aspect of discovery and there are two forms.

6 **Q. Stop right there. I don't need a**
7 **lecture and I don't have time for a lecture.**
8 **You are not responding to my question.**

9 A. I think I am, ma'am.

10 **Q. In your opinion, is that proper**
11 **procedure--the way you sent that discovery to**
12 **me?**

13 A. Yes.

14 **Q. Okay. How much did you have invested,**
15 **time-wise, in billable hours in your previous**
16 **case against me?**

17 A. I don't know at this point. It was a
18 lot.

19 **Q. So you generated bills in this case,**
20 **but didn't in your last case?**

21 A. We did. In the last case I kept time
22 records to the best of my recollection, yes.

23 **Q. Okay. So I can have those? Those**
24 **are available? I can see those?**

1 A. They are not relevant now.

2 **Q. What would you estimate it at?**

3 A. I have no idea. It would not
4 surprise me that the value of my time was in the
5 neighborhood of \$50,000 or so.

6 **Q. \$50,000. And plus you had Attorney**
7 **Merritt?**

8 A. And Mr. Merritt spent a considerable
9 amount of time on the case as well.

10 **Q. You can't give me an estimate of that?**

11 A. I would imagine it would probably be
12 two-thirds of 100 percent of the time I spent.

13 **Q. So another, maybe, let's say another**
14 **\$30,000?**

15 A. It could be, between his time and mine
16 probably valued close to \$100,000.

17 **Q. Okay. 50 and 50. Okay. And how much**
18 **have you paid Attorney Merritt in this case so**
19 **far?**

20 A. That is an attorney/client privilege,
21 and I am not going to discuss that with you.

22 **Q. Legal bills are not part of**
23 **discovery?**

24 A. The bills I sent are time records.

1 That is all they are. Time records. You
2 construed them as bills. They are not bills.
3 They are time records. They are created in our
4 billing system, but the fact of the matter is
5 they are simply time records.

6 **Q. Did you attach anything to those**
7 **invoices--those monthly invoices that**
8 **have the appearance of bills as you, yourself,**
9 **admit--did you send me anything to tell me that**
10 **they were simply time logs?**

11 A. I explained that to the court and to
12 you when you raised the question.

13 **Q. Some months later. But at the time,**
14 **did you identify them--that they were time logs,**
15 **not bills?**

16 A. The way they are constructed --

17 **Q. Yes or no?**

18 A. There is no indication that they are
19 not bills.

20 **Q. And you didn't attach any letter or**
21 **anything to say; They are not bills?**

22 A. I don't recall that I did, no.

23 **Q. Okay. And you have indicated in your**
24 **bills that you sent me, that the work on this**

1 **case is reaching somewhere in the vicinity**
2 **of 20 grand right now?**

3 A. Oh, no. Probably closer to \$70,000,
4 because litigation is going on in Maine as
5 part of the consequences of what you
6 have done.

7 **Q. So I am liable for the litigation you**
8 **have going on in Maine too?**

9 A. That will be up to the court to
10 decide.

11 **Q. Okay. Now, you have also indicated**
12 **that Attorney Merritt has some kind of conflict**
13 **with Judge Dreschler; is that correct?**

14 A. There has been the appearance of
15 that, yes, based on my information.

16 **Q. Okay. What was it?**

17 MR. MERRITT: Again, objection on
18 attorney/client privilege.

19 MS. MADORE: You waived that
20 privilege when you brought it up in a
21 pleading.

22 MR. MERRITT: Do you have a
23 question?

24 **Q. Okay. Answer, notwithstanding.**

1 A. The scope of my understanding as to
2 the presence of a conflict is stated in the
3 applicable pleading which you have. I recommend
4 that you simply review that document.

5 **Q. It says there was a conflict. It does not**
6 **say what the conflict was. I am asking you; What**
7 **was the conflict?**

8 A. Do you have a copy of the pleading
9 that I filed?

10 MS. MADORE: I can bring it this afternoon. I am
11 telling you, it does not say it. I am asking you
12 for specifics.

13 A. As I said, the specifics are contained
14 in the pleading.

15 **Q. They are not contained in the**
16 **pleading, and I am asking you again, for the**
17 **record, in this deposition.**

18 A. Again they are contained in the
19 pleading.

20 **Q. Briefly, what was the conflict between**
21 **Steven Merritt and Judge Dreschler?**

22 A. My information is that Mr. Merritt,
23 when handling one or two prior cases on behalf
24 of clients, dealt with Judge Dreschler--when he

1 was a private attorney representing an opposing
2 party in those proceedings--that there was
3 activity that occurred between them and
4 conversation that occurred between them that
5 reflected a considerable amount of disdain by
6 or between those two attorneys at the time.

7 **Q. And when was this?**

8 A. I don't know when. Apparently
9 several months before Judge Dreschler became a
10 judge. But that is as much as I know.

11 **Q. So you don't know very much about**
12 **this conflict, do you?**

13 A. I know what I have explained to you,
14 ma'am.

15 **Q. Do you remember we talked about your**
16 **internet response to my book in my deposition?**

17 A. I recall some reference, yes.

18 **Q. And when you wrote that article on**
19 **your website, were you being truthful when you**
20 **said I had neglected a judgment that you won**
21 **against me?**

22 A. Yes.

23 **Q. Yes. Okay. You also stated that I**
24 **failed and refused to pay you for that judgment,**

1 **didn't you? Was that truthful?**

2 A. Yes.

3 **Q. Did you put in there that I had an**
4 **appeal on that judgment?**

5 A. I don't recall. I don't recall.

6 **Q. Okay. Why did you take it down the**
7 **day after the deposition?**

8 A. I didn't take anything down.

9 **Q. The day after the deposition it was**
10 **down.**

11 A. I didn't do anything. I have not
12 looked at the internet, those postings, for a
13 long time.

14 What are you showing me, ma'am?

15 **Q. I am showing you a copy. "This web**
16 **page is not available." It's titled "Judge Nadeau**
17 **Responds to Internet Nonsense" and it says "This**
18 **web page is not available," and it's the day after**
19 **that deposition.**

20 MR. MERRITT: Are you marking that
21 for an exhibit?

22 MS. MADORE: It goes with this
23 exhibit, which is Exhibit 1.

24 MR. MERRITT: Are you going to

1 introduce that?

2 MS. MADORE: I am. It is Exhibit
3 1. It goes together with the actual blog,
4 which I printed prior to you taking it down,
5 or it being removed, or whatever happened.

6 A. You are referring to a posting I put
7 on a web site that I had established in late
8 2012. In anticipation of reassuming my judicial
9 position on January 1, 2013 that judicial
10 website was pulled by me in 2013, not because of
11 that particular response that you are suggesting,
12 but in its entirety because I no longer wanted
13 to pay for it.

14 **Q. Okay. So this was not written on**
15 **December 29th of 2013?**

16 A. It probably was.

17 **Q. You just said you took it down in**
18 **2012.**

19 A. No, I didn't. It was posted in late
20 2012. That is when the site was created. Right
21 after I was elected. It ran through 2013. It
22 might have been 2014. But at some point I
23 pulled the entire site for two reasons; 1,
24 because of the cost and 2, because it was just

1 too time consuming to maintain.

2 **Q. Okay. I printed this. I printed it.**
3 **You posted it 12-29 2013, and I printed it later,**
4 **after your lawsuit was filed in 2014.**

5 A. Are you testifying or is that a
6 question?

7 **Q. So I am asking you--I am just trying**
8 **to refresh your memory and I am asking you: this**
9 **was not in response to my book? You didn't**
10 **write this in response to my book?**

11 A. Oh, I did. I did. I learned about
12 your book in late November or so 2013 and, yes,
13 that clearly was in response to that. It was an
14 effort to try to defend against the falsehoods
15 in your book and misrepresentations in your
16 book.

17 **Q. Okay. Now, at the time that you**
18 **wrote this, you were well aware that I was**
19 **appealing your judgment, weren't you?**

20 A. I was well aware that you had filed
21 an appeal. I was also well aware that you were
22 not complying with the requirements of the
23 court's rule to process your appeal, including
24 paying for a transcript.

1 **Q. I didn't ask that.**

2 A. I am answering your question.

3 **Q. Well, it was legally on appeal, yes**
4 **or no?**

5 A. Yes, it was.

6 **Q. Okay. Thank you. I would like you to**
7 **read for the record what you wrote on a public**
8 **blog for the whole world to see about me. And**
9 **start right there. Just that one paragraph.**

10 A. (Document examined.)

11 MR. MERRITT: I object, not only to
12 relevancy, we don't have an exhibit that we
13 have marked.

14 MS. MADORE: I will get to
15 relevance in a minute. It's marked as
16 Exhibit 1.

17 MR. MERRITT: It's important to
18 follow a procedure here, like you are asking
19 him to identify documents that you are not
20 giving him to identify. I am objecting to
21 its authenticity and relevancy as well as
22 the procedure you are following.

23 MS. MADORE: It says Exhibit 1 on
24 the front.

1 MR. MERRITT: If you are going to
2 continue to interrupt everybody here I am
3 not going to waste my time sitting here.
4 When I am speaking I would appreciate not
5 being interrupted. I am not interrupting
6 you. I am putting my objection on the
7 record so that we can go through the
8 process. If you want to mark something as
9 an exhibit I think it would be helpful if
10 you mark it as being an exhibit then
11 introduce it.

12 MS. MADORE: It's marked. All of
13 them are marked.

14 MR. MERRITT: The stenographer
15 needs to mark this as an exhibit for the
16 record.

17 MS. MADORE: I will allow plenty of
18 time for her to do that. I am just asking
19 him to look at this first.

20 MR. MERRITT: I am objecting to the
21 procedure.

22 MS. MADORE: The next time I will
23 do it first. But--you know, let's do it
24 first. Let's just do it, all right?

1 (Exhibit No. 1 marked; blog.)

2 **Q. Now, if you will read that portion**
3 **please.**

4 A. (Document examined.) I have read it.

5 **Q. For the record. On the record.**

6 MR. MERRITT: I don't know what
7 that means.

8 **Q. Read it out loud into the record.**

9 A. Fine. It's your record. If you want
10 me to take up space doing that I will.

11 **Q. Do that.**

12 A. "Meanwhile on August 28, 2012 I was
13 awarded a money judgment against Miss
14 Madore concerning her unpaid legal bill. In that
15 case, various frivolous counterclaims Madore
16 asserted against me were dismissed, all to her
17 chagrin after a lengthy trial in the Essex
18 County Superior Court Newburyport, Massachusetts
19 docket number 2010-636B. So far, she has failed
20 to satisfy that judgment. My attorney continues
21 to pursue collection of the judgment against her
22 on my behalf."

23 **Q. Is that statement true? Those**
24 **statements, are they true?**

1 A. Yes.

2 **Q. Your attorney was collecting on your**
3 **behalf?**

4 A. Yes. He was pursuing the appeal and
5 collecting on that judgment.

6 **Q. So this is your idea of being**
7 **truthful on a public declaration? This is being**
8 **truthful on a public declaration?**

9 A. Yes.

10 **Q. When you brought this topic**
11 **up two weeks ago, at my deposition, you were**
12 **saying that I had been defamatory and untruthful**
13 **regarding your divorce judgment; is that**
14 **correct?**

15 MR. MERRITT: Objection to the form
16 of the question.

17 MS. MADORE: Okay. I will
18 rephrase.

19 **Q. Do you see any parallel between this**
20 **and what I told the bar about your divorce**
21 **judgment?**

22 A. No, I don't.

23 **Q. You don't see any parallel?**

24 A. No.

1 **Q. I will refresh your memory.**
2 **In the deposition, didn't you ask me if I had**
3 **'bothered' to find out--in my 'due diligence' in**
4 **filing the complaint--you asked me; "had you**
5 **bothered to find out if I had appealed that**
6 **divorce judgment?"**

7 A. Yes. That was a question.

8 **Q. You did ask that question. And what**
9 **was the relevance of that question?**

10 A. The relevance was that--the fact of
11 the matter was that I did file a meritorious
12 appeal and that appeal was successful.

13 **Q. Was it?**

14 A. Yes. Insofar as what you were
15 claiming in that bar complaint, that was
16 successful--claiming that I was not paying child
17 support.

18 **Q. You are not answering the question.**

19 A. I am answering the question.

20 **Q. But you were not honoring the**
21 **judgment. As of that day that I sent that bar**
22 **complaint, you were, notwithstanding your appeal--**
23 **because none of us has a crystal ball--so when**
24 **it came to the appeal**

1 **and how it turned out--**

2 MR. MERRITT: Objection to the form
3 of the question. Do you have a question
4 for him?

5 MS. MADORE: Yes, I am getting to
6 the question.

7 MR. MERRITT: It seems like you are
8 testifying. If you have a question, he can
9 answer your question.

10 MS. MADORE: I had my question
11 coming, if you would let me finish without
12 interrupting me.

13 MR. MERRITT: I object to the form
14 of the question. These are not questions.
15 They are compound questions. He is having
16 a difficult time understanding what your
17 position is and quite frankly, it is too
18 scattered. I can't follow it myself. If
19 you have a question for him ask him.

20 A. There are facts not in evidence.

21 **Q. Notwithstanding your appeal on your**
22 **judgment, was I correct in telling the bar that**
23 **you were not following a court order to pay your**
24 **child support as ordered?**

1 A. No, you were not correct. You were
2 dead wrong.

3 **Q. You were paying it?**

4 A. Yes, I was.

5 **Q. You were paying the court order, as it**
6 **was ordered?**

7 A. I was paying all the child support,
8 yes.

9 **Q. You were not \$60,000 in arrears?**

10 A. No, I was not.

11 **Q. Why did the court order say that you**
12 **were?**

13 A. It was an error. If you read the
14 appeal decision carefully you would know that.

15 **Q. I said "notwithstanding the appeal."**
16 **Forgetting the appeal, putting the appeal away,**
17 **pretending the appeal never happened: Were you**
18 **in compliance with that order; yes or no?**

19 A. I was in compliance with all valid
20 requirements. That was not a valid requirement,
21 as the law court determined and reversed. So,
22 yes, I was in compliance.

23 **Q. So you are saying to me --**

24 A. If I can finish. Yes, I was in

1 compliance with all legal obligations associated
2 with that case. As in sharp contrast to your
3 situation, ma'am, where you were not paying the
4 judgment. It was associated with an appeal, you
5 know that and had reason to know.

6 **Q. This is not an opportunity for you to**
7 **give a speech. Answer my question.**

8 A. I just did.

9 MR. MERRITT: Objection. He has
10 answered this a few times.

11 **Q. Okay. So the court order, in saying**
12 **that you were \$60,000 in arrears, was wrong?**

13 A. First of all, I don't recall the
14 amount that was identified but, yes, it was
15 wrong and reversed, such as yourself would have
16 known that.

17 **Q. How was it wrong?**

18 A. Did you read the decision? The law
19 court on appeal reversed that aspect of the
20 case.

21 **Q. Bob, you are a lawyer and a judge,**
22 **you are an experienced man. You know what I am**
23 **asking you.**

24 MR. MERRITT: Objection.

1 MS. MADORE: That is my objection.

2 I am putting on the record you are not
3 being responsive.

4 MR. MERRITT: He answered this
5 multiple times.

6 MS. MADORE: No.

7 MR. MERRITT: He is not giving you
8 the answer you want because you are not
9 asking an appropriate question.

10 **Q. As of the date of that order**
11 **until the appeal was**
12 **decided--how long did that take? A year? Two**
13 **years?**

14 A. No. Several months.

15 **Q. Several months. Okay. Let's say**
16 **three months? Four months?**

17 A. I don't know, ma'am.

18 **Q. Can you guess? Just give me a**
19 **number. It does not have to be accurate.**

20 MR. MERRITT: Objection. He said
21 he didn't know.

22 **Q. I am going to say, for the sake of**
23 **argument, that it was three months. Okay? In this**
24 **three months period between the final decision**

1 **and the original order, were you in compliance with**
2 **the order?**

3 A. I was in compliance with all valid
4 legal requirements, yes.

5 **Q. Didn't that order say that you had to**
6 **pay those arrears?**

7 A. That is not a valid legal requirement
8 that the law court determined.

9 **Q. So you get to decide, on a court order,**
10 **what is valid and what is not?**

11 A. No. But there is an appeal process
12 that is validly pursued and if vindicated
13 clarifies that there was no valid order that
14 needed to be complied with, and I knew that.

15 **Q. Of all the appeals out there in the**
16 **world right now, only the ones that win in the**
17 **end are valid appeals?**

18 A. Yes.

19 **Q. How do you determine that during the**
20 **appeal time?**

21 A. You just know.

22 **Q. So everybody knows whether their**
23 **appeal is valid or not valid; is that what you**
24 **are saying?**

1 A. Yes. In many instances, yes. In my
2 instance absolutely.

3 **Q. Okay. Okay. So my appeal was not**
4 **valid. You didn't have to follow the order that**
5 **you felt was wrong but I did? We both had**
6 **appeals, but it was different for me than it was**
7 **for you?**

8 A. Yes. Your appeal was not valid. It
9 was frivolous.

10 **Q. So you get to determine these things?**
11 **You get to determine these things before the**
12 **court does?**

13 A. The proof is in the result in my case,
14 and the proof was in the result of your case.
15 The proof in your case is that you had no
16 evidence whatsoever to establish that it was not
17 frivolous. Ultimately you went ahead and paid
18 it, but only after you engaged in your defamatory
19 publication.

20 **Q. Did you lose part of your appeal in**
21 **that divorce judgment?**

22 A. Not with respect to what you defamed
23 me about.

24 **Q. Did you lose any part of your appeal**

1 **in that divorce judgment?**

2 A. Yes, I did. But not with respect to
3 anything that you defamed me about.

4 **Q. You lost all but one, didn't you?**

5 A. I don't recall. It was the support
6 piece that I relied on.

7 **Q. So you lost all claims in your appeal**
8 **except for one. The other claims in your**
9 **appeal--were those frivolous?**

10 A. No. The court didn't say they were
11 frivolous. The court did not agree.

12 **Q. Isn't that what the court said with**
13 **me--did the court use the word frivolous in my**
14 **case?**

15 A. We are talking about your appeal,
16 ma'am. Your appeal was frivolous.

17 **Q. I am talking about my appeal too.**
18 **Did the court say my appeal was frivolous? Did**
19 **the court rule?**

20 A. The court, in your case, was not given
21 the opportunity to say that because you relented
22 and simply withdrew your appeal and paid the
23 judgment after we put pressure on the court to
24 require you to put up or shut up.

1 **Q. I don't need you to rewrite history.**
2 **I am asking a very simple question. Okay? My**
3 **appeal and some of your appeal--both of those**
4 **were not granted. My appeal and the larger**
5 **portion of your appeal--except for one part of it--**
6 **were not granted. What is the difference between**
7 **your appeal and my appeal--the parts that were**
8 **not granted? Yours was not frivolous, but mine**
9 **was? Who determines that?**

10 **MR. MERRITT: Objection to the form**
11 **of the question.**

12 **Q. You are saying--you just stated that**
13 **my appeal was frivolous. You stated it like**
14 **three times. What evidence do you have of that?**
15 **Did the judge say that?**

16 **A. The court issued a judgment against**
17 **you. It was our firm belief when you filed the**
18 **appeal that your appeal was frivolous and**
19 **malicious and you simply wanted to delay having**
20 **to pay the judgment.**

21 **Q. I don't need a lecture. I am asking a**
22 **yes or no questions. You are going on and on**
23 **and on and on.**

24 **A. Ma'am, you asked me a question.**

1 Please let me finish before you interrupt.

2 **Q. I don't need a lecture.**

3 A. You asked a question. You do not
4 have the right to cut me off until I have fully
5 answered your question. It may not be what you
6 want to hear.

7 **Q. I am asking for a yes or no.**

8 A. Again, you are interrupting me,
9 ma'am. It may not be what you want to hear and
10 you did not ask me a yes or no question. You
11 asked an open ended question and you are getting
12 an open ended response. Now, with respect to my
13 response you asked for comparison. The case in
14 which a judgment was granted in my favor against
15 you and the Superior Court in Newburyport was
16 based on a money judgment for attorney's fees.
17 You appealed that. Our view was that your
18 appeal was frivolous and in bad faith and simply
19 an effort out of meanness to try to postpone
20 paying the judgment. That motive was made clear
21 by the fact that unlike in my case in Maine,
22 where the appeal
23 was properly executed, you did not take steps
24 to properly execute your appeal. You didn't

1 even order a transcript.

2 **Q. Are you done? Is this lecture going**
3 **to go on any longer? I asked you; Did the judge**
4 **say it was frivolous, yes or no?**

5 MR. MERRITT: Objection.

6 MS. MADORE: You are wasting time.

7 MR. MERRITT: We need to get some
8 direction from the court. I am not going
9 to be screamed at.

10 MS. MADORE: I am going to put it
11 on the record right now: The witness is
12 being unresponsive, uncooperative, refusing
13 to answer and using this time to try to
14 harass me and intimidate me with more of
15 this crap I have heard over and over again.
16 I already know how you feel about it. When
17 I ask a simple question I want a simple
18 answer. This is not a time for you to
19 harass. It is a time to get discovery about
20 the stuff you have said. I am asking you
21 about the stuff you have said in this case,
22 okay? You brought up my irresponsibility.
23 You brought up the relevance. I am going
24 to put it on the record. You brought up my

1 irresponsibility in going to the Bar, the
2 proper place to hold you accountable,
3 and telling them what I
4 learned.

5 **Q. I am asking you; Did the judge say my**
6 **appeal was frivolous; Yes or no?**

7 A. You gave the court no opportunity.
8 You simply did not prosecute your appeal. You
9 did not.

10 **Q. Is that yes or no? Is that a yes or**
11 **no?**

12 A. The answer is that you never gave the
13 court an opportunity to do that.

14 **Q. Yes or no?**

15 MR. MERRITT: He answered.

16 A. I answered the question. The court
17 was not given an opportunity to do that.

18 **Q. In your deposition of me two weeks ago, you**
19 **were trying to prove that, in my bar complaint, I**
20 **was malicious and reckless; is that correct?**

21 A. That was an aspect of maliciousness
22 and recklessness.

23 **Q. In going to the Bar?**

24 A. Yes.

1 **Q. You said I was defamatory by telling**
2 **the Bar about your divorce judgment that said you**
3 **were in arrears in your child support. That was**
4 **defamatory. Is that what you stated?**

5 A. Yes. Because it was false
6 information and a misunderstanding of the law.

7 **Q. Is it your position that in my giving**
8 **the Bar of Overseers this information, I**
9 **was defamatory and careless?**

10 A. You were careless, I would say, and you
11 were clearly malicious. I wouldn't say at that
12 point that you were defamatory because, as far as
13 it went, you were being reasonably accurate, but
14 the fact of the matter was that the board
15 recognized that the matter was on appeal.

16 **Q. Okay. But in your previous case**
17 **against me, wasn't that your only claim of**
18 **defamation against me in our five years of**
19 **discovery? Wasn't that the only claim you**
20 **brought forward, that I had filed that bar**
21 **complaint against you?**

22 A. You had filed two different bar
23 grievances at least that I know of. You also
24 filed a fee arbitration claim. You also filed a

1 judicial conduct claim.

2 **Q. So that was the defamation you were**
3 **talking about?**

4 A. Those were some of the aspects of
5 the defamation.

6 **Q. What were the rest?**

7 A. On information and belief, you had
8 been extremely negative about me to others.
9 Most particularly [Maryann], but others as
10 well.

11 **Q. Who?**

12 A. That I don't know. Obviously your
13 attorney. And your brother.

14 **Q. Hold on. You sued me for defamation**
15 **and, after five years of**
16 **discovery, you still don't know who I said**
17 **something to, other than my best friend, my**
18 **brother, and my lawyer?**

19 A. Your best friend, if I understand
20 your testimony from two weeks ago, is someone
21 you have had a falling out with a year and a
22 half ago and haven't spoken with since over
23 money.

24 **Q. Is that responsive?**

1 A. Your best friend told me in late 2007 that
2 you had said negative things about me and you
3 were poison in her view.

4 **Q. I am going to stop you right there.**
5 **You are not answering my question.**

6 A. I just did.

7 **Q. I said; 'Besides [Maryann], my brother, and**
8 **my lawyer' who else did I say anything to?**

9 A. 1, I don't know the relevance of this
10 to this proceeding. And 2, I don't know at this
11 point.

12 **Q. So five years later, you still don't**
13 **know. You filed a lawsuit claiming defamation**
14 **and five years later, after very intrusive**
15 **discovery, you don't have one person I defamed**
16 **you to?**

17 A. If you listen carefully I am sure you
18 heard me say there were two separate bar
19 grievances that you filed. There was a
20 grievance to the judicial conduct committee and
21 the fee arbitration claim on behalf of your
22 brother. There were statements you made to
23 [Maryann]. Yes, all those were defamatory. And
24 yes, I have answered your question.

1 Q. It's defamatory to file a bar
2 complaint that if dismissed does not go
3 public? That is defamatory? How is that
4 defaming you?

5 A. You also invaded my privacy with
6 respect to those things.

7 Q. You are not answering the question.
8 How was that defamatory to file a bar complaint
9 that never reached the public? How is that
10 defamatory?

11 A. Those complaints had the ability of
12 reaching the public.

13 Q. Did they?

14 A. They did not.

15 Q. Okay. They did not.

16 A. In your book --

17 Q. Hold on. We have not gotten there
18 yet. I am talking about your previous lawsuit,
19 Bob, you know that, right? Okay. So I filed the
20 bar complaint, which wasn't defamatory because it
21 didn't reach the public. I spoke to my best friend
22 who is telling me about you, and she is saying I am
23 saying negative things to you. How is that
24 defamatory?

1 MR. MERRITT: First of all,
2 objection. You are making the conclusion
3 that public to any third parties is not
4 defamation, 1. And 2, these are very
5 compound questions. And if you are asking
6 him for a legal conclusion as to what
7 defamation ism this is a multi-element of
8 the court. Are you asking him for his
9 opinion or are you asking him for a
10 finding? I just need to know the compound
11 question.

12 **Q. Me and [Maryann], as best friends back then,**
13 **having a conversation about you where I supposedly**
14 **said negative things; Is that defamation?**

15 A. It can be, depending on what you said.

16 **Q. What did I say?**

17 A. She is a third party.

18 **Q. What did I say?**

19 A. Well, she corroborated the fact that
20 you acquired, and used, and misused a copy of my
21 divorce judgment which you had obtained.

22 **Q. How did I get that divorce judgment?**

23 A. I don't know. You would have to
24 answer that question. I am here to answer your

1 questions.

2 MR. MERRITT: You are asking him
3 questions in the middle of his answer.

4 A. With respect to your comments about
5 the bar grievances and the judicial conduct
6 complaint not in public, they were public. They
7 were public in the sense that you disseminated
8 that false information to the persons to whom
9 you made those complaints.

10 **Q. What false information?**

11 A. False information that I was not
12 providing child support.

13 **Q. It was true at that time, wasn't it?**

14 A. No. It was not true. It never was
15 true as the law court determined. Fortunately
16 the members of that panel were smarter than you
17 and realized what an appeal is about.

18 **Q. But when you wrote the public blog**
19 **about me not paying your judgment--knowing full**
20 **well it was being appealed--was that defamatory**
21 **of you?**

22 A. It was not being appealed. You were
23 not prosecuting your appeal.

24 **Q. There was no appeal?**

1 A. You had filed an appeal. You were
2 violating the rules. You were not prosecuting
3 your appeal.

4 **Q. From a legal standpoint was that**
5 **judgment being appealed? Yes or no?**

6 A. No, it was not. You were not
7 effectively appealing. You had an appeal filed.

8 **Q. I didn't say 'effectively.' From a**
9 **legal standpoint, was that case being appealed?**
10 **From a legal standpoint, was that judgment being**
11 **appealed? Was it on appeal? Legally was it on**
12 **appeal?**

13 MR. MERRITT: I don't think we have
14 a grasp of what you are talking about from
15 a legal standpoint. I am objecting to the
16 term. I am objecting to the form. I am
17 objecting to relevance. And I am objecting
18 because he keeps answering the same
19 question over and over again.

20 MS. MADORE: No, he is not. He
21 refuses to answer it.

22 **Q. I am asking you; When you wrote this**
23 **blog, was there a legal appeal on that judgment**
24 **at that time?**

1 A. There was a frivolous appeal, yes.

2 MR. MERRITT: I think it might be
3 helpful to use the correct term. There was
4 a notice of appeal.

5 MS. MADORE: Okay.

6 **Q. Did I write about your failure to**
7 **comply with your child support judgment in my**
8 **book?**

9 A. I don't recall.

10 **Q. Okay.**

11 A. But you may have.

12 **Q. I didn't.**

13 A. Are you testifying?

14 **Q. So I didn't write about it publicly,**
15 **did I?**

16 A. I don't know.

17 **Q. If it's not in there--you haven't**
18 **looked in the book?**

19 A. Oh, I have a couple of times, yes.
20 Your deposition is not finished.

21 MR. MERRITT: Objection. Again he
22 keeps answering your question.

23 **Q. If it's not in there, then I didn't**
24 **write about it publicly, did I? Like you did in**

1 **your blog. I didn't write mine publicly, did I?**

2 A. If it's not in there and if you
3 mentioned nothing about the grievance, no, you
4 didn't write about it publicly. But if you have
5 written anything about the grievance then you
6 have, in fact, failed to disclose to your
7 readers what you did, what your grievance was
8 about, and the malice that was associated with
9 it and the inaccuracy that was associated with
10 it.

11 **Q. Yes or no? I asked; yes or no? That**
12 **is the answer that would be responsive.**

13 A. Your question was not capable of a
14 simple yes or no answer so I gave you a complete
15 answer.

16 **Q. All right. Now, would you agree that**
17 **these committees that they set up to govern the**
18 **professional behavior of lawyers--the Bar of**
19 **Overseers--would you agree they are a necessary**
20 **thing?**

21 A. I agree that they have been
22 established for valutary purposes and serve an
23 important function.

24 **Q. What is that function?**

1 A. There are a number of functions. I
2 believe they are stated in the rules. I can't
3 fully articulate them now.

4 **Q. What do you think is important about**
5 **having a Board of Overseers?**

6 A. I am confused. If you are suggesting
7 to me that there is nothing in your book
8 relating to any matters concerning the Board of
9 Overseers, why is your question relevant at all?

10 **Q. First of all I didn't say that.**
11 **You did.**

12 A. Then clarify. Are you saying there
13 are references in the book?

14 **Q. Of course.**

15 A. And they pertain to me?

16 **Q. Yes. And there are also gazillions of**
17 **references in your many pleadings about the Bar**
18 **of Overseers. Okay? And the 'maliciousness.'**
19 **And you are setting up a pattern. So it is**
20 **relevant. And I am just asking you what you**
21 **think the function of the Bar of Overseers is.**

22 A. There are a number of functions, but
23 as their title, which is not Bar of Overseers by
24 the way. It depends what state you are dealing

1 with. In Maine it's called Maine Board of
2 Overseers of the Bar. I can effectively respond
3 to properly worded questions. The title includes
4 the word 'Overseers' of the Bar. That title is
5 one of the primary purposes of their existence
6 and their function.

7 **Q. They oversee?**

8 A. They oversee the bar to ensure a
9 couple of things: 1, that attorneys can
10 effectively represent clients. And 2, to ensure
11 that the members of the public who may be
12 represented by an attorney are appropriately
13 represented within the scope of the terms of the
14 agreement.

15 **Q. Because attorneys have access to**
16 **private information, right?**

17 A. They have access to information of
18 clients, that they provide to them, yes.

19 **Q. Private information, correct?**

20 A. Whether it's private or not depends
21 on exactly what the information is.

22 **Q. But they have access to private**
23 **information, don't they?**

24 A. They may have access. Many times

1 there are clients who tell me nothing that is
2 private.

3 **Q. All right. And they have access to money,**
4 **don't they?**

5 A. If a client pays his retainers that
6 is not earned then yes, they do.

7 **Q. Retainers, client's funds--they have**
8 **access to all this money, don't they?**

9 A. They don't have access to any money
10 that is not earned.

11 MR. MERRITT: Objection. Not all
12 lawyers have retainers.

13 MS. MADORE: I am not talking about
14 retainers.

15 MR. MERRITT: You just stated that.

16 MS. MADORE: No, I didn't. He
17 said retainers.

18 **Q. Okay. Do you not monitor money that**
19 **is not yours--in some ways--client**
20 **funds that are not yours; You**
21 **don't handle this as an attorney?**

22 MR. MERRITT: Objection to the
23 form of the question. There are two
24 questions. Are you asking him if he has

1 access to client money?

2 MS. MADORE: Yes.

3 Q. Do you have access to client money
4 that is not yours?

5 A. Yes.

6 Q. Okay. That was the first question I
7 asked you. All right. So you have access to
8 private information. You have access to private
9 monies and all kinds of other things, and really,
10 the Overseers of the Bar are the only people who
11 police attorneys; is that correct?

12 A. No. Clients themselves police
13 attorneys.

14 Q. How?

15 A. They can question a bill. They can
16 question any aspect of their representation.

17 Q. If that does not work, where do they
18 go?

19 A. They can resort--they can communicate
20 with the Board of Overseers if they wish.

21 Q. So in other words, the only place they
22 can really turn, to have someone examine the
23 ethics and behavior of an attorney is the Board
24 of Overseers of the Bar?

1 MR. MERRITT: Is that a question?

2 MS. MADORE: Yes.

3 MR. MERRITT: What was the
4 question?

5 **Q. Isn't that the only place they can**
6 **go?**

7 A. No. They can go to court. They can
8 go to another attorney to seek relief and
9 resolution. They can communicate with the
10 attorney themselves to try to resolve an issue.

11 **Q. If they see wrongdoing or corruption**
12 **in an attorney, where would they go to hold that**
13 **attorney accountable?**

14 A. I answered your question.

15 **Q. No, you didn't. You said they could**
16 **go to court. I am asking you where they would**
17 **go. Who is the only authority that can hold an**
18 **attorney accountable--who can take away their**
19 **license to practice law? Who is the only**
20 **authority that can do that?**

21 A. In what state, ma'am?

22 **Q. In any state.**

23 A. I can't answer that.

24 **Q. Okay. In Maine?**

1 A. There is no only authority in Maine.

2 **Q. What are the authorities?**

3 A. It depends whether it's a federal
4 matter or state matter, first of all.

5 **Q. Who do you answer to?**

6 A. Regarding what?

7 **Q. Your behavior. Who do you**
8 **answer to?**

9 A. My behavior?

10 **Q. As an attorney, who do you answer to**
11 **for your behavior?**

12 A. For my behavior, as an attorney?

13 MR. MERRITT: Objection to the
14 question, to its relevance. It's a
15 confusing question.

16 A. I think I have answered it several
17 times.

18 MR. MERRITT: He is responding to
19 you. You are asking open ended questions
20 and what is going to happen is he going
21 to be very open in his response.

22 MISS MADORE: This is such a simple
23 question.

24 MR. MERRITT: It is not a simple

1 question. Who does he answer to in what
2 regard? If you cannot form a question you
3 cannot blame the deponent.

4 **Q. Is there anyone else besides the Bar**
5 **of Overseers that polices your right to practice**
6 **law? Is there anybody else?**

7 A. First of all, as I said before there
8 is no Bar of Overseers. There is a Board of
9 Overseers of the Bar. Secondly, there are a
10 number of persons, as I have explained to you,
11 already, who in one way or another have the right
12 to police or question any actions that any
13 attorney engages in.

14 **Q. I didn't ask you that. Are you**
15 **saying I can take your license to practice law**
16 **away from you?**

17 A. You can question and ask for answers
18 and resolutions to disputes.

19 **Q. Who would I question it to?**

20 A. Me, if you were my client.

21 **Q. How would I hold you accountable if I**
22 **thought you were an unethical, corrupt person?**
23 **Where would I go? How would I hold you**
24 **accountable?**

1 A. You wouldn't.

2 **Q. Right.**

3 A. You would report the matter or you
4 would seek legal counsel.

5 **Q. Who would I report it to?**

6 A. You would grieve, not report. You
7 would grieve to the Board of Overseers of the
8 Bar if this were in Maine.

9 **Q. Thank you.**

10 A. Which does not have the ability to
11 remove a lawyer's license.

12 **Q. Right. I understand. They hear a**
13 **case and they decide if it should go on, if they**
14 **should recommend disciplinary action.**

15 A. Or if it's a federal matter --

16 **Q. I didn't ask you that.**

17 A. -- you would use a different
18 resource.

19 **Q. So if the system is going to work--**
20 **lawyers have a lot of power, a lot of authority,**
21 **they get private information, they get private**
22 **funds, they have access to all this stuff--in order**
23 **to ensure that there isn't corruption, don't we**
24 **need the Overseers of the Bar?**

1 A. I object to the form of your
2 question. It contains assertions that are not
3 in evidence and they involve findings that to
4 the extent they are even relevant.

5 **Q. Do you think they are necessary?**

6 A. Do I believe that what is necessary?

7 **Q. The Board of Overseers of the Bar.**

8 A. I think I already answered this
9 question. I am not going to answer it again.

10 **Q. Okay. All right. So in a sense, the**
11 **Overseers of the Bar police attorneys?**

12 MR. MERRITT: Objection. Is there
13 a question?

14 **Q. Is that correct? Is that true?**

15 A. I have already answered your
16 question.

17 **Q. You really haven't. Yes or no, do**
18 **they?**

19 A. If you keep interrupting me this
20 deposition is going to be over. Do you
21 understand that? I have already answered your
22 question. They have many functions, that being
23 one of their functions, yes.

24 **Q. Good. All right. So how can someone**

1 **go to the Bar of Overseers--the Overseers of**
2 **the Bar--I am going call them the bar and you**
3 **will know who I am referring to; is that**
4 **correct?**

5 A. If that is how you want to refer to
6 them, I will do that.

7 **Q. So if someone sees corruption they**
8 **can't be afraid to go to the bar, can they?**

9 A. First of all, your question
10 presupposes facts not in evidence in this
11 particular case, so your question is
12 objectionable. You are suggesting that there
13 has been corruption associated with me.

14 **Q. No. I am talking hypothetically.**

15 A. Maybe I can help you here.

16 MR. MERRITT: I have to object. The
17 suggestion that there is somebody with some
18 unspecified issue that needs some sort of
19 redress--it's so vague I don't understand
20 how you can expect him to formulate a
21 response to a vague question without fact,
22 without any type of redress. Now, the bar
23 of overseers --

24 MS. MADORE: It's the Overseers of

1 the Bar.

2 MR. MERRITT: He has answered your
3 question time after time on this. I am not
4 only going to note the objection, I will get
5 a protective order if you ask it one more
6 time.

7 MS. MADORE: Thank you. I have
8 your objection.

9 **Q. I am going to be specific then.**
10 **In my case, where I felt you were corrupt and**
11 **unethical, should I have been afraid to go to the**
12 **Overseers of the Bar?**

13 A. First of all, you had no case. You
14 were not my client with respect to the matters
15 about which you were complaining, therefore you
16 lacked standing.

17 MR. MERRITT: I think she is asking
18 you, I think you should answer this, if she
19 should be afraid to go and make a
20 complaint.

21 A. Any person has the right to complain,
22 rightly or wrongly, to the applicable Board of
23 Overseers of the Bar relating to anything they
24 may believe, rightly or wrongly, credibly or

1 incredibly, involving any conduct concerning an
2 attorney.

3 **Q. But will people do that if they know**
4 **they can be sued for a million dollars for doing**
5 **so?**

6 A. I don't know how to answer that
7 question.

8 **Q. Will they?**

9 A. Ma'am, I can't get in the mind of
10 other people. In your case you don't care. You
11 do what you want to do.

12 **Q. Do you think that people would file**
13 **bar complaints if they knew they could get sued**
14 **for a million dollars for doing it? Do you**
15 **think they would?**

16 A. That is neither relevant nor does it
17 call for any facts. You are asking for
18 speculation. I am not going to answer that
19 question. I don't know.

20 **Q. All right.**

21 A. I do know that it didn't stop you
22 from publishing this book knowing that what you
23 were doing was 'really reckless' in your own words.

24 **Q. What question are you answering?**

1 A. The one you just asked.

2 **Q. That is your answer to that question.**

3 **Okay. When a person goes from one activity to**
4 **another do their ethics change?**

5 A. I have no idea what you are asking.

6 MR. MERRITT: Objection. That is
7 not even an identifiable set of inquiries.
8 From one activity to another. I object to
9 the form of the question. I don't know how
10 he can answer that. It is so poorly
11 formulated. I have actually never heard of
12 something so poorly formulated.

13 **Q. Are your ethics as a lawyer different**
14 **from your ethics as a judge?**

15 A. There are different sets of standards
16 or rules applicable to the two different roles,
17 yes. There are separate codes.

18 **Q. So do your ethics change depending**
19 **upon what you are doing?**

20 A. The circumstances and issues that are
21 associated with those two different roles are
22 different, so they have two separate codes that
23 apply.

24 **Q. Ethically speaking, give me an**

1 **example. How would the codes be different?**

2 A. For a judge, many times issues arise
3 for example, where a party or an attorney may
4 appear before a judge that may create a
5 circumstance which the judge should consider
6 disqualifying himself from hearing the matter,
7 making disclosures to the parties, so they can
8 evaluate whether there should be a recusal.

9 **Q. How is that different, ethically**
10 **speaking, from what you do as a lawyer?**

11 A. Well, a lawyer is not a judge.

12 **Q. But you do the right, fair, just thing;**
13 **is that correct?**

14 A. Overriding both codes are basic
15 principles of fairness and justice, yes.

16 **Q. Those basic principles are what I am**
17 **speaking of when I speak of ethics, isn't that**
18 **right?**

19 MR. MERRITT: Objection.

20 A. I don't know what you are speaking
21 of.

22 **Q. When you are talking about ethics,**
23 **aren't you talking about basic principles?**

24 A. Ma'am, the question is not, at this

1 point, my speaking about ethics.

2 **Q. I am asking you. You just said the**
3 **principles stay the same. Aren't principles**
4 **the same as ethics?**

5 A. I don't really understand your
6 question, ma'am.

7 MR. MERRITT: I am agreeing with
8 him. I am objecting to these questions.

9 **Q. The basic principles of truth and**
10 **honesty--don't those principles apply to lawyers**
11 **and judges equally?**

12 A. They apply in different respects.
13 You would have a single code apply to both
14 attorneys and judges. All right. You would then
15 have the right to write a book that applies to
16 an attorney and all the ethics of Judge Nadeau.

17 **Q. Is it your position that all of your**
18 **activities, except those as a judge, are private?**

19 A. Again, I don't know how to answer
20 that question. Attorney's activities are a
21 mixture of private and public activity. With
22 respect to an attorney's function, there are
23 certain matters that may be confidential between
24 the attorney and client and therefore those are

1 going to remain private unless they
2 are otherwise public for some reason.

3 **Q. Is that even close to what I asked**
4 **you?**

5 MR. MERRITT: I don't know what you
6 are asking.

7 A. What are you asking? Do you know
8 what you are asking?

9 **Q. I am not asking about client/attorney**
10 **privilege. I am asking you, as a lawyer and a**
11 **man, everything is private except what you do on**
12 **the bench as a judge?**

13 A. Not if I am advocating for a client
14 publicly with another attorney or to an opposing
15 party, or if I am in a courtroom advocating on
16 behalf of a client or representing a client--
17 those matters are clearly public.

18 **Q. Okay. So then, I mean for people to**
19 **speak out about you as a public figure--that is**
20 **only allowed as far as your being a judge; is**
21 **that what you are saying?**

22 A. Yes.

23 MS. MADORE: I have Exhibit 2 here.

24 (Exhibit No. 2 marked;

1 Letter, May 6, 2005.)

2 **Q. Now, this is a letter that you wrote**
3 **to [Dr. Love].**

4 A. Are you going to ask me if I
5 recognize it?

6 **Q. Yes. Do you recognize it?**

7 A. (Document examined.) First of all, it
8 appears that some portion of this E-mail
9 communication is missing. The top of the first
10 page seems to be a continuation of some prior
11 page.

12 **Q. We have been through this before in**
13 **the last deposition. The E-mail is there in its**
14 **entirety--the prior one is what you are answering**
15 **to.**

16 MR. MERRITT: Are you asking him to
17 identify from a certain portion on?

18 MS. MADORE: Yes.

19 MR. MERRITT: What would be helpful,
20 is if you could just identify the portion
21 of the page. That would be helpful.

22 MS. MADORE: Okay.

23 **Q. Do you recognize that from this point**
24 **down?**

1 A. You are referring to roughly
2 two-thirds to three-quarters of the page on the
3 first page down?

4 **Q. Yes.**

5 A. (Document examined.) Yes.

6 **Q. Would you read your first sentence in**
7 **that E-mail?**

8 A. "I am a Maine attorney and part-time
9 elected judge."

10 **Q. Why did you identify yourself as a**
11 **judge in that letter?**

12 A. As a matter of fact, that is what I
13 am. I am a part-time attorney and elected
14 judge.

15 **Q. Right.**

16 A. Those roles are different.

17 **Q. And when you sued Daddy in the**
18 **New Hampshire court, did you discuss--in your**
19 **testimony to the court that day--didn't you**
20 **describe your position as a judge in great**
21 **detail?**

22 A. No, I didn't. I did mention to the
23 court that you and your brother,
24 who you refer to in your book as 'Daddy,' had

1 filed a judicial complaint against me in
2 addition to attorney grievances.

3 **Q. Is this being responsive to what I**
4 **asked you?**

5 A. Yes, it is. So I explained to the
6 judge why that was relevant, that you were so
7 malicious even though you have no basis for
8 filing a complaint regarding anything I did in
9 the judicial capacity, you were so angry about
10 being billed that you chose--you in particular
11 Miss [Madore]--chose to file a grievance before the
12 Maine committee on judicial responsibility.

13 **Q. I have to stop you right there.**
14 **I don't need this lecture.**

15 A. So I had to explain to the court the
16 relevance of that so he would understand why I
17 needed to respond to that.

18 **Q. So you are suing [Daddy] for a portion**
19 **of a legal bill, and you need to spend five pages**
20 **of the transcript talking about the fact that**
21 **you are a judge on a collection bill?**

22 A. First of all, again, unless you want
23 to show me the transcript I can't confirm there
24 were five pages. But as an aspect of the total

1 amount of time involved in this case, that was a
2 very small amount of time.

3 **Q. In fact, in all your various lawsuits**
4 **and pleadings, you make it a point to**
5 **announce that you are or you were a judge, don't**
6 **you?**

7 A. I don't believe so, no.

8 **Q. Every case I have been in with you,**
9 **you haven't mentioned that you are a judge? You**
10 **don't bring that up at every hearing?**

11 A. Not that I recall, no. As a matter of
12 fact, in contrast to your testimony from two
13 weeks ago, which was a lie, where you tried to
14 assert that I had represented to you that I had
15 some special influence or power as a judge and
16 that I would refer to matters, I would refer to
17 myself as a judge and represented you and your
18 brother in a legal capacity, I have an E-mail
19 that made it very clear to you that despite your
20 expectation that I would somehow use my support
21 as a judge to help you and your brother, that I
22 could not do that, it would be unethical and you
23 needed to be clear about that.

24 **Q. What does that have to do with what I**

1 **asked you, which is; Why do you always bring up**
2 **that you are a judge in these pleadings?**

3 A. I don't always do that. To begin
4 with, you are assuming facts not in evidence. If
5 you have evidence to that effect and if you
6 think it's relevant you can present it and I
7 will consider its relevance along with my
8 co-counsel.

9 **Q. So you are saying you don't bring it up,**
10 **you don't make it a point to bring up that you**
11 **are a judge? In every hearing and pleading that**
12 **you file you don't bring this up?**

13 A. No.

14 **Q. Okay. How is my using my maiden name**
15 **defamatory to you?**

16 A. I didn't that say that is defamatory.
17 What I did say is it's not very honest.

18 **Q. Okay. But isn't that in your list of**
19 **defamatory statements? I asked you for a list**
20 **of defamatory statements. Didn't you include**
21 **that in your list?**

22 A. Certain of those items contained in
23 the list are not there to point out defamation
24 but to point out your lack of credibility. Many

1 of the things in this list do indeed point to
2 the defamatory activities.

3 **Q. Okay. You claim that [Maryann]**
4 **did receive a divorce settlement. What evidence**
5 **do you have to support that claim?**

6 A. Her representation to me.

7 **Q. She told you she got a divorce**
8 **settlement?**

9 A. Yes. She told me that she resolved
10 her divorce and they agreed to terms. This was
11 many, many months after I ceased being her
12 attorney. She had another attorney.

13 **Q. Several years later, didn't you write**
14 **in several E-mails that she didn't receive a**
15 **settlement?**

16 A. I don't recall that.

17 **Q. And, in fact, weren't you very**
18 **critical, blaming her subsequent attorneys for**
19 **that?**

20 A. I don't recall that.

21 **Q. How are broken links to my blog and**
22 **my web page defamatory to you?**

23 A. I don't understand your question
24 ma'am.

1 **Q. Well, in your list, you say that there**
2 **are broken links--some of the links don't work.**
3 **How is that defamatory to you?**

4 A. It's indicative of your lack of
5 candor that, simply points out your videos can
6 no longer be found. I imagine it's because you
7 realized that they are going to not be looked
8 upon favorably and you therefore pulled them.

9 **Q. Actually wasn't it you, in your**
10 **capacity as a lawyer or a judge, who contacted**
11 **the posters of those videos to lodge a**
12 **complaint? Weren't you the one who complained**
13 **about a copyright problem?**

14 A. No. And I didn't know where the
15 postings were. You indicated there was some
16 editor whose name you refused to disclose.

17 **Q. The videos with broken links are**
18 **just random videos. One was part of a**
19 **clip from a movie, another one was a song.**

20 A. Are you testifying?

21 **Q. I am telling you what I am asking you**
22 **about.**

23 MR. MERRITT: I object. You are
24 telling him what you are asking him

1 about?

2 MS. MADORE: I am explaining the
3 question.

4 MR. MERRITT: That may be part of
5 the problem. You want to tell him what you
6 want him to testify. If you have a
7 question ask him.

8 MS. MADORE: I just asked him, and
9 he was talking about an editor. He
10 misunderstood my question. I am explaining that
11 the broken links, the two broken links,
12 had nothing to do
13 with me.

14 **Q. So did you contact them?**

15 A. You are screaming, ma'am.

16 **Q. I asked you; 'Did you contact them' and**
17 **you said you wouldn't even know who they were, so**
18 **I am explaining who they are. They are the**
19 **posters of those videos. Did you contact any**
20 **poster of the videos as a lawyer or a judge?**

21 A. Ma'am, I don't have a clue about what
22 you are asking. Your question is so compound
23 and assumes so many alleged facts that I don't
24 for a moment adopt or have any knowledge of what

1 you are asking to answer your question. It's
2 bizarre.

3 **Q. Did you contact anyone on U Tube?**

4 **That is a very direct question. Did you contact**
5 **anyone on U Tube about any of those videos?**

6 A. No. I wouldn't even know how to do
7 that.

8 **Q. All right. You don't keep legal books**
9 **in your office?**

10 A. I have some publications.

11 **Q. So, do you keep them in your**
12 **conference room?**

13 A. Which conference room are you
14 referring to?

15 **Q. Let's go back. When [Maryann] was your**
16 **client in 2003, you said you didn't have books in**
17 **your office. You didn't keep them anywhere in**
18 **your office?**

19 A. That isn't what I said. I believe
20 you folks represented in your book that I had a
21 stack of books behind my desk. There was no
22 stack of books behind my desk.

23 **Q. But there were books in your office?**

24 A. There was a computer behind my desk.

1 **Q. But there were books in your office?**

2 A. There would have been some books off
3 to a side wall, not behind my desk.

4 **Q. So the location of the books is**
5 **defamatory to you?**

6 A. I didn't say that was defamatory.
7 What I did say is it's just indicative of the
8 recklessness and the lack of accuracy that you
9 folks exhibit and that you obviously were clueless
10 about or indifferent about.

11 **Q. You allege defamation in the book's**
12 **statement that on June 20, 2003, you said to**
13 **Maryann; "I am in love with you, I have been for**
14 **months;" is that right? Is that defamatory?**

15 A. Yes, it is because we had not even
16 known each other for months.

17 **Q. So on June 20th, you had not known**
18 **each other for months?**

19 A. No. At that point, she had been my
20 client for not even three months, I don't
21 believe, but roughly three months.

22 **Q. Wasn't it closer to four months?**

23 A. No. To the best of my recollection
24 it was in mid-March or late March of 2003.

1 **Q. So what evidence do you have that you**
2 **didn't say that to her?**

3 A. My testimony.

4 **Q. Your testimony. So it's your word**
5 **against hers?**

6 A. Yes.

7 **Q. You indicated that there are other**
8 **defamatory statements in chapter one, but**
9 **you didn't identify them. What other quote from**
10 **chapter one are you claiming is defamatory?**

11 A. What I recall--it was real nonsense,
12 about me giving her a phone book with a full page
13 photograph.

14 **Q. That complaint --**

15 A. Ma'am, I am trying to answer your
16 question.

17 **Q. Okay. All right. Go ahead.**

18 A. And that I had suggested and asked--
19 according to her--that I had given her my phone
20 book to take home, as if she didn't have her own
21 phone book at home, and told her to sleep with
22 it under her pillow, which is just a bizarre
23 concept, let alone uncomfortable.

24 **Q. What evidence do you have that you**

1 **didn't give [Maryann] a copy of your phone book**
2 **with your picture in it?**

3 A. My testimony, ma'am.

4 **Q. Your testimony?**

5 A. Yes. And frankly the lack of
6 **veracity throughout your book.**

7 **Q. All right. You stated--and I am**
8 **quoting here from your answers to my**
9 **interrogatories--you stated; "[Maryann] extracted a**
10 **financial settlement from [Dr. Love] as hush**
11 **money three years before I became her attorney."**
12 **Did you write that?**

13 A. Where do you mean, ma'am?

14 **Q. This one right here. This is your**
15 **answers to my interrogatories. You wrote that,**
16 **correct?**

17 A. (Document examined.) Yes.

18 **Q. And, in fact, you've made this**
19 **accusation a number of times over the years to a**
20 **number of different people; haven't you?**

21 A. I have reported it to some, in my
22 **defense, after learning about it in 2005.**

23 **Q. Okay. So what exactly do you know**
24 **about any financial settlement [Maryann] received?**

1 A. First of all her husband--her
2 ex-husband.

3 **Q. He said she got hush money?**

4 A. He didn't use the word hush money.
5 He said that they worked out an out of court
6 settlement, so that would be construed the
7 equivalent of that.

8 **Q. Okay.**

9 MS. MADORE: I would like a five
10 minute break. We are going to take a
11 break.
12 Recess.)

13 **Q. So we were talking about the hush**
14 **money that [Maryann] got from [Dr. Love].**

15 A. I object to your term regarding hush
16 money. I don't believe that I used that term
17 quite that way.

18 **Q. Okay. I will read it again.**

19 MS. MADORE: This is from your
20 answers to my interrogatories.

21 **Q. "[Dr. Love], from whom she**
22 **extracted a financial settlement as hush money**
23 **three years before I became her attorney."**

24 A. I did use that term.

1 **Q. All right. So we were talking about**
2 **this hush money and you said you heard about it**
3 **from her ex-husband?**

4 A. Initially I did, and subsequently it
5 was confirmed to me by [Dr. Love].

6 **Q. It was confirmed?**

7 A. Yes. And then later by [Maryann].

8 **Q. So you say [Maryann] confirmed it as well?**

9 A. Yes.

10 **Q. How much hush money did she get?**

11 A. The figure that I heard was \$5,000.
12 And I believe that all of them were consistent
13 with that amount.

14 **Q. Okay. Do you have evidence to support**
15 **this claim?**

16 A. I just gave you the evidence.

17 **Q. That would be three people who will**
18 **testify to this?**

19 A. [Maryann] is a party, so that is an
20 admission.

21 **Q. She is admitting to the hush money?**

22 A. She admitted, I can testify--if you
23 know the rules of evidence--I can testify about
24 that without needing her to be put on the witness

1 stand.

2 **Q. Okay. All right. Are you aware that**
3 **shortly after her surgery, [Maryann] had to go back**
4 **to have [corrective surgery]?**

5 A. No, I am not.

6 **Q. You were not aware of that? She**
7 **didn't tell you about that?**

8 A. She alleged that.

9 **Q. Would that be the confession that you**
10 **heard about her hush money bribe?**

11 A. Her husband did not cooperate. All
12 the hush money was keeping quiet about
13 [Dr. Love] and having sex with him in his
14 office.

15 **Q. So you are saying that she didn't**
16 **have a second surgery?**

17 A. I have no knowledge of that. What
18 I do know is that neither her husband nor
19 [Dr. Love] indicated to me that it had
20 anything to do with the [surgery]. They
21 were very clear that it had everything to do
22 with keeping [Maryann] quiet and not filing a
23 professional complaint against [Dr. Love]
24 relating to the fact that he had had sex with

1 his patient.

2 Q. Will you be calling them as witnesses
3 to testify as to this?

4 A. I don't know. We may.

5 Q. Okay. You stated that [Maryann's]
6 husband was contesting the divorce on issues
7 relating to support and property division; is
8 that correct?

9 A. Would you say that again, please.

10 Q. You stated in your answers to
11 interrogatories that [Maryann's] husband was
12 contesting the divorce on issues relating to
13 support and property division; is that correct?

14 A. Yes.

15 Q. Aren't division of property and child
16 support issues mandated by the State of Maine?
17 Isn't that what you told [Maryann]?

18 A. I don't understand your question.

19 Q. Issues of property and child support--
20 you are saying he contested those issues. Aren't
21 they mandated by the State of Maine? Isn't that
22 what you told [Maryann] when you were representing
23 her?

24 A. Mandated by the State of Maine?

1 What do you mean by that?

2 **Q. Aren't they determined by the State**
3 **of Maine? It's not something to contest. It's**
4 **set--income and assets in Maine--isn't it?**

5 A. No.

6 **Q. It's not?**

7 A. No.

8 **Q. That is not what you told her?**

9 A. There is certain case law with
10 respect to how to equitably divide marital
11 assets. There is case law for guidance with
12 respect to how to determine child support. And
13 there is case law and more ambiguous statutory
14 language with reference to when and how to
15 determine spousal support. And there are
16 related issues to determine tax exemptions and
17 even attorney's fees.

18 MR. MERRITT: Are you trying to
19 find out if there was a statute to govern
20 that? Is that what your question was?

21 **Q. So you said--also in your answers--**
22 **that these issues that were being contested**
23 **were public records. I couldn't find them.**
24 **Can you produce them for me?**

1 A. It's in her divorce case. Her entire
2 divorce file is in the public records.

3 **Q. There is nothing in there. During**
4 **this time period that we are**
5 **talking about, there is nothing in there saying**
6 **it was contested. It was not contested. It was**
7 **a very simple divorce.**

8 A. First of all, I think you are
9 testifying. Second of all, no, it was not
10 uncontested. [Ex] filed an objection to
11 her complaint. We filed a motion to get
12 temporary ordering of support and he objected to
13 that. We went to court and had a case
14 management conference and a case management
15 order was issued. During that case management
16 conference, it was very clear he opposed her
17 request for support.

18 **Q. He opposed paying child support?**

19 A. Yes. If it were not contested it
20 would not have taken a year after I was no
21 longer her attorney for it to be resolved.

22 **Q. What evidence do you have that the**
23 **divorce was contested?**

24 A. I presented evidence to you.

1 **Q. You are just saying it. Are you**
2 **going to be presenting anything at trial?**

3 MR. MERRITT: Objection. We are
4 still in the discovery phase so for him to
5 answer that is kind of open ended.

6 MS. MADORE: I have your objection
7 but I will respond to it by saying that he
8 has had this book for a year. It's been
9 pulling teeth to get defamatory statements.
10 I would like to know what he has at this
11 point in time.

12 **Q. Do you have any evidence at all that**
13 **this was not an uncontested divorce--that the**
14 **divorce was being contested? Anything**
15 **at all?**

16 A. I just told you what my evidence is
17 and unless the jury finds that my testimony is
18 not believable then that evidence is enough.

19 **Q. So it's just your word?**

20 A. And if you want to disprove it you
21 are perfectly welcome to obtain the records in
22 her divorce case from the court--certified
23 copies. If you do, you are going to find, among
24 other things, his pleadings in response to the

1 pleadings that I filed on [Maryann's] behalf. You
2 will find a case management order that was
3 subsequently issued that would confirm those
4 issues were in dispute. You will find no doubt
5 subsequent documents in the court file after I
6 was no longer her attorney that tend to show
7 that there were disputes relating to support and
8 division of property.

9 **Q. Okay. And in in December of**
10 **2007, did you write in an E-mail that it was a**
11 **simple, uncontested divorce?**

12 A. It should have been, but it was
13 clearly contested.

14 **Q. Okay. But you were talking in that**
15 **E-mail about how --**

16 A. Do you want to present something to
17 me, ma'am?

18 **Q. Yes.**

19 A. Feel free.

20 **Q. No. Not yet. What evidence do you**
21 **have that [Maryann] asked you to move in with her**
22 **instead of the other way around?**

23 A. When? In 2003?

24 **Q. Yes.**

1 A. She called me.

2 MR. MERRITT: The question is what
3 evidence do you have.

4 A. My testimony, and the fact that I had
5 been living with my parents.

6 **Q. Okay. All right. Did you have sex**
7 **with your wife the morning you left her for**
8 **[Maryann]?**

9 A. When?

10 **Q. Ever.**

11 A. Your book indicated that when I left
12 my wife in 2003 because of [Maryann], that I had
13 sex with my wife that morning and I moved in with
14 her that same day. That was false. I had moved
15 to my parents' house and I lived there for two or
16 three weeks. [Maryann] and I continued to see each
17 other during that time and she later asked me to
18 move in with her at her house.

19 **Q. Did you write about having sex with**
20 **your wife before leaving her?**

21 A. Again when? In 2003, right?

22 **Q. Ever. Did you ever write: "I had sex**
23 **with my wife before I left her"? Did you ever**
24 **write that?**

1 A. I don't recall.

2 **Q. Okay. What are your standard office**
3 **hours?**

4 A. By the way, is there something in your
5 book that makes this relevant because the focus
6 is not on these other things. The focus is on
7 the contents of your book.

8 **Q. I am following your answer. Every**
9 **question has something to do with what you**
10 **stated in your answer [to interrogatories].**

11 A. Go ahead.

12 MR. MERRITT: Do you want to mark
13 this as an exhibit?

14 MS. MADORE: Well, it's his
15 interrogatory answers.

16 MR. MERRITT: It's not part of the
17 record, just for clarity sake. You have
18 referred to it.

19 MS. MADORE: I will submit it at
20 the end.

21 **Q. What are your standard office hours?**

22 A. When?

23 **Q. Do they change? You don't have, like,**
24 **standard hours that you have, like 9 to 5?**

1 MR. MERRITT: Objection. He has
2 been practicing law for almost 30 years.
3 Is there a time reference?

4 **Q. Well, like early 2000 what would it**
5 **have been?**

6 A. It varied. It was affected, in part,
7 by my separate responsibilities as a judge and
8 the schedule that I had in that capacity. But on
9 the days when I was not on the bench, and instead
10 acting as a private attorney, that would depend
11 on what needed to be done on any given day.
12 Many days I would be in court representing
13 clients and therefore not have office hours.
14 Other days I might be in my office.

15 **Q. So the office would be closed if you**
16 **were in court?**

17 A. There were other staff members at the
18 time, including other attorneys, who may have
19 been in the office at different times. And
20 there was more than one office.

21 **Q. Did you have office hours though?**
22 **Did you have office hours in 2003?**

23 A. I think, and I am not certain of
24 this, but I think that the hours indicated on

1 the door to the office were 8:30 or 9 to 5.

2 **Q. And how long do you normally allow**
3 **for a basic appointment?**

4 A. It would depend on the complexity.

5 **Q. For a standard appointment?**

6 A. It depends on whether they have
7 covered everything that needed to be covered
8 based on whatever the client's issues were and
9 the purpose of the meeting. And the cases in
10 which I have been involved would have been
11 highly complex and meetings would last for
12 hours. There are cases where the meetings would
13 be half an hour or less.

14 **Q. How about an unnecessary office**
15 **appointment?**

16 A. An unnecessary office appointment?

17 **Q. Um-hum. Like if a client just kept**
18 **wanting to schedule appointments for no reason.**
19 **How long would you allow for that?**

20 A. If a client had questions, and if the
21 client believed that he or she needed the
22 attorney's time and was confused about something
23 or claimed to be confused about something the
24 client is paying for the time and the client

1 will get the time that the client is therefore
2 requesting.

3 **Q. Okay. So how much time would you**
4 **say?**

5 A. I think I have answered your
6 question.

7 **Q. How do you make appointments then, if**
8 **you just leave them all open ended? Don't you**
9 **have a set appointment time for a basic**
10 **appointment?**

11 A. I usually reserve an hour. That is
12 the standard. But in some instances I would
13 instruct the staff to reserve more time because
14 of the nature of the reported legal issues that
15 a client would be initially consulting with me
16 about or because of whatever else we might be
17 doing during the course of the representation
18 associated with a particular meeting.

19 **Q. How much time had you allotted for**
20 **your appointment with [Maryann] on June 20, 2003?**

21 A. We probably allotted an hour. It was
22 at the end of the day. She had scheduled an
23 appointment for, I believe it was 4:00. She
24 didn't show up until about 4:30.

1 **Q. Did you bill her for that visit?**

2 A. Until the legal advice switched over
3 into non legal activity, yes.

4 **Q. Okay. So there is an entry for that**
5 **day on her billing statement; is that right?**

6 A. Just for a little amount of time
7 where the legal advice was for.

8 **Q. How much time did you bill her for?**

9 A. I don't recall.

10 **Q. You don't recall? Do you know what**
11 **you put down for a work description?**

12 A. No.

13 **Q. All this discussion about that bill,**
14 **and you never looked to see what description you**
15 **put, or how much you charged for it?**

16 A. I don't recall. But it was probably
17 something to the effect of 'office conference
18 with client,' 'legal advice,' or something like
19 that. I don't know.

20 **Q. What do you think it was for? Just**
21 **office advice, basic stuff? Do you remember?**

22 A. In general, yes.

23 **Q. Do you remember what you did for her**
24 **case that day?**

1 A. I answered questions. She had
2 questions.

3 **Q. Okay.**

4 A. She claimed to have questions.

5 **Q. Did she mention a tort claim?**

6 A. I don't recall. I don't believe so,
7 no. There was some question about whether she
8 had a viable court claim relating to her
9 ex-husband and that was explored and it was
10 discounted early on because of the cost of any
11 separate court litigation and because her
12 ex-husband was unemployed and it appeared that,
13 therefore, a pursuit of any such claim would be
14 pointless, because there would have been no
15 likelihood of any reasonable recovery at the end
16 of the case that could not otherwise simply be
17 determined within the context of the divorce
18 case.

19 **Q. By the time this appointment came on**
20 **June 20th, you had already decided the tort**
21 **claim wouldn't work?**

22 A. Yes.

23 **Q. Okay. Weren't you talking about an**
24 **article in a magazine that day about a tort**

1 **claim?**

2 A. She was trying to convince me, I
3 believe that--no, that article that she
4 presented to me was based on her report that she
5 had [private marital issue]. And this was a
6 continuation of prior conversations we had
7 during the brief course of my representation of
8 her when the possibility of being able to assert
9 that claim independently as part of a tort claim,
10 or within the context of the divorce case itself,
11 based upon the conduct during the marriage, as
12 she alleged it would not be viable so she
13 brought in that article to have me review it.
14 And she actually delivered it several days
15 earlier, a week or two earlier, and it was in
16 her file and she asked me if I had a chance to
17 review it and I responded.

19 **Q. So you did discuss the tort claim**
20 **that day?**

21 A. No, we didn't discuss the tort, we
22 simply discussed the fact that I reviewed it. I
23 already explained to her before that I did not
24 believe it was a viable court claim against him,

1 that should remain separately. To the best of
2 my recollection, she understood and agreed we
3 would pursue within the context of her divorce
4 instead of additional compensation in the form
5 of spousal support due to her claims about his
6 alleged conduct that resulted in [private marital
7 issue].

8 **Q. Okay. So what else did you do for**
9 **her that day, work-wise?**

10 A. She had a number of questions about
11 1, not being able to stand him and when was he
12 going to get out of the house. 2, concerns
13 about his support obligation, how much support
14 you have to pay and basically questions about
15 the process to move her case forward to trial.

16 **Q. Okay.**

17 A. It might have been some property
18 division related instructions. But, you know,
19 what struck me the most about the questions is
20 that, frankly, her questions were, as I came to
21 realize, they were rude. There was nothing that
22 she was asking that she had not asked and been
23 answered several times before in prior meetings.

24 **Q. In several of your written accounts**

1 of that day, including sworn testimony, you
2 mentioned that [Maryann] intentionally scheduled
3 herself as the last appointment of the day.

4 **How do you know that?**

5 A. My staff told me that.

6 **Q. They told you?**

7 A. She had asked for that late
8 appointment, yes. And then they revealed a
9 whole lot more to me afterwards that I didn't
10 know.

11 **Q. Okay. You also wrote; "Once everyone**
12 **else left for the day, all sexual hell broke**
13 **loose." That is how you described it, right?**

14 A. Yes.

15 **Q. So how long were the two of you in**
16 **the office before all sexual hell broke loose?**

17 A. 45 or 50 minutes I guess.

18 **Q. Okay. Now, you have seen [Maryann] in**
19 **various court situations; is that correct?**

20 A. Yes. I would say yes.

21 **Q. Would you say she is a credible**
22 **witness?**

23 A. No.

24 **Q. Have you ever stated that she was not**

1 **a credible witness?**

2 A. I am sure I have.

3 **Q. So on a scale of 1 to 10, where would**
4 **you put her credibility to state her case**
5 **effectively as a witness; with 10 being**
6 **extremely capable and 1 being not capable at**
7 **all?**

8 A. I really don't see the relevance of
9 this.

10 **Q. I note your objection.**

11 A. I suppose it depends on what the case
12 is about. It is a very open ended question.
13 It's very, very difficult to answer your
14 question honestly. It depends what the motive
15 was, what she is looking to gain. If you ask a
16 specific question--I will try to answer your
17 question if you can give me some specifics.

18 **Q. You have a case, she is a potential**
19 **witness, how likely, on a scale of 1 to 10, are**
20 **you to call her as a witness?**

21 MR. MERRITT: Objection to the
22 question. I don't know how he can answer
23 this.

24 **Q. So you can't rate her credibility as**

1 **a witness from 1 to 10?**

2 A. A lot would depend on what she testified
3 to. No, I am not that clear. I answered what I
4 do know. There is an awful lot of content that
5 is outright false and a lot more that is
6 misleading.

7 **Q. Is that what I asked? Is that my**
8 **question?**

9 A. Yes. In a way it is, because this
10 book of yours is written in the first person, as
11 if she is the one, when it's you that is upset
12 about the fact that you are being sued and your
13 brother is being sued. You are writing this
14 because you were just angry and using her as a
15 vehicle to try to report these things.

16 **Q. Thank you for that little speech.**
17 **I am going to ask you the question again now.**
18 **How credible is her testimony as a witness from**
19 **1 to 10--on a scale of 1 to 10? Can you just give**
20 **me a number? You are not going to be held to**
21 **it.**

22 MR. MERRITT: Credibility is an
23 issue that is dealt with by a fact finder.
24 You are asking him how credible he thinks

1 she is?

2 MS. MADORE: Right.

3 A. My experience is that she has zero
4 credibility, and that has been exemplified in a
5 number of different forms.

6 **Q. Okay. Did you write her retraction**
7 **letter to the Overseers of the Bar?**

8 A. No.

9 **Q. Who wrote it?**

10 A. She did.

11 **Q. She wrote it all by herself?**

12 A. Yes. I came home and she had already
13 written it.

14 **Q. How well did she state your case, as a**
15 **witness on your behalf, in that letter, on a scale**
16 **of 1 to 10? On a scale of 1 to 10, how well did**
17 **she state the case on your behalf in that**
18 **retraction letter?**

19 A. I don't think it was all that well
20 stated, but it was her prospective so it is what
21 it is. But I don't recall its contents. I am a
22 little bit handicapped with respect to trying to
23 fully answer your question.

24 **Q. So you wouldn't give her a 10 for**

1 **that retraction letter?**

2 A. No, I wouldn't. But it was what she
3 wanted to write and what she felt comfortable
4 with stating. So that was up to her.

5 **Q. Okay. Well, the bar was going to**
6 **take action against you, weren't they?**

7 A. Relating to her complaint in 2003?

8 **Q. Before she wrote the retraction**
9 **letter, the bar was going to take action against**
10 **you, weren't they?**

11 A. They were going to file a report that
12 would have required a separate hearing that may
13 have resulted in a complete exoneration or may have
14 resulted in something else. We don't know what
15 the outcome would have otherwise been without
16 the retraction.

17 **Q. What were they recommending?**

18 A. The prosecutor, from what I recall,
19 was recommending a public reprimand. The bar
20 panel nevertheless recommended--actually
21 directed a report to be filed because they wanted a
22 single justice to make a determination of what
23 the appropriate disposition would be and, as you
24 may know, that may have required a full

1 evidentiary hearing.

2 MS. MADORE: Exhibit 3.

3 (Exhibit No. 3 marked;
4 Report of findings.)

5 **Q. Now, you just testified under oath**
6 **that you thought the prosecutor was looking for**
7 **a reprimand, then you went on and on--'this had to**
8 **be done and that'--but you never said what they**
9 **were recommending. You never answered my**
10 **question, did you?**

11 A. When a report is filed, that means
12 that the panel does not believe that a reprimand
13 is sufficient. The only remaining forms of
14 discipline that can be issued are suspension
15 or disbarment. They lack the ability to direct
16 or order. And when that occurs there has to be a
17 new evidentiary hearing.

18 **Q. Okay. I am going to have you read a**
19 **statement from the report of findings of the**
20 **bar. Okay? Just the part that I highlighted,**
21 **please.**

22 A. "In light of the foregoing factors the
23 panel concludes that, with regard to count 1,
24 probable cause exists for Attorney Robert M.A.

1 Nadeau's suspension or disbarment, and hereby
2 directs bar counsel to commence an attorney
3 disciplinary action with the court by filing an
4 information under M. Bar R. 7.2(b)."

5 **Q. So it's recommending your suspension**
6 **or disbarment; isn't that right?**

7 A. Yes.

8 **Q. Okay. So [Maryann's] retraction letter**
9 **must have been one hell of a letter; is that**
10 **right?**

11 A. I don't know how to answer your
12 question. She wrote a retraction letter.

13 **Q. Right. They were looking at**
14 **suspension or disbarment, correct?**

15 A. She made it clear 1, that --

16 **Q. That is correct; yes or no?**

17 A. 'They' meaning the panel?

18 **Q. They were going for suspension or**
19 **disbarment?**

20 A. They were going --

21 **Q. They were recommending it?**

22 A. They were recommending that it would
23 be reviewed by information with an eye towards
24 the possibility of suspension or disbarment.

1 **Q. Right. Okay. And then what happened**
2 **after she sent the retraction letter? What did**
3 **they find in the end? What happened?**

4 A. They found that she was no longer
5 willing to testify that I did anything
6 wrong. They found that she had retracted her
7 statement that I had failed to disclose to her
8 before we engaged in a personal relationship
9 that I continued to be her attorney.

10 **Q. Let me stop you. The question is what**
11 **action did they take?**

12 A. The dismissal?

13 **Q. Um-hum.**

14 A. Dismissal or discipline.

15 **Q. So you were looking at possible**
16 **disbarment--you were facing disbarment and then**
17 **got a dismissal with a warning?**

18 A. Possible discipline or reprimand and
19 ultimate dismissal with a warning, yes.

20 **Q. Is it your testimony that she wrote that**
21 **letter with no assistance whatsoever from you?**

22 A. She got input from me, but she wrote
23 the letter herself. I believe I answered the
24 question. It was already written when I got

1 home.

2 **Q. Do you have any evidence to support**
3 **that?**

4 A. My testimony. Do you have any
5 evidence to show it isn't true?

6 **Q. I ask the questions.**

7 A. I think I get the message here. This
8 is about --

9 **Q. I don't need a lecture.**

10 A. You are engaging in all kinds of --

11 **Q. I don't need a lecture from you, Bob.**
12 **Would it have been wrong for to you tell her**
13 **what to write in that letter? Would that have**
14 **been wrong for you to do?**

15 A. I would not have done that. I didn't
16 do that.

17 **Q. You didn't do it?**

18 A. No.

19 **Q. But would it have been wrong?**

20 A. To tell her? I am assuming she had
21 her own free will. She clearly did. She is a
22 very strong minded person. And so it didn't
23 happen that way. Basically your question is
24 assuming something, so it's not a fair question.

1 **Q. Let me rephrase. Would you tell a**
2 **witness what to say?**

3 A. No.

4 **Q. You wouldn't. Okay--**

5 A. I wouldn't tell a witness. I might
6 counsel a client as to how to word what
7 represents to be the truth.

8 **Q. I didn't ask you that.**

9 A. I would not tell her what to say.

10 **Q. Would you tell a witness what to say?**

11 A. No.

12 **Q. All right.**

13 MS. MADORE: Exhibit 4.

14 (Exhibit No. 4 marked;

15 E-mail.)

16 **Q. This exhibit is a letter you wrote to**
17 **[Ex], communicating back and forth. This is**
18 **before your bar hearing, and I am going to read**
19 **it and you can tell me if it sounds like**
20 **something you would say: "The one other thing**
21 **you could do is to write to and E-mail Nora**
22 **Sosnoff at the Maine Board of Overseers of the**
23 **Bar, to tell her that she and the hearing panel**
24 **in my case have done a very grave injustice by**

1 refusing to consider your affidavit and by
2 causing the panel to believe that you altered
3 those E-mails in any way. [Maryann] even testified
4 that you insisted and prepared the complaint
5 against [Dr. Love], and that therefore all of that
6 evidence should be disregarded, a suggestion
7 Sosnoff promoted and the panel seemed to buy,
8 Please tell Sosnoff that none of those things is
9 so and that [Maryann] has perjured herself about
10 [Maryann's] sorted, deceitful past and the diamond
11 rings, and that I am being unfairly harmed by
12 this horrible, dishonest person, and that only
13 she can prevent that. And tell her that you
14 request that she take the extraordinary step of
15 notifying the panel that heard my case
16 immediately about these things in fairness and
17 justice, so that the injustice can be prevented."
18 Did you write that?

19 A. Did you want to show it to me? I
20 probably did. It sounds like something I wrote,
21 yes. (Document examined.) So what is your
22 question?

23 Q. So as a matter of fact, you would tell
24 someone what to say in a letter to the bar,

1 **wouldn't you?**

2 A. No. If there is a suggestion, to
3 suggest to someone that they say something they
4 didn't believe is true the answer is no. These
5 statements were consistent with representations
6 she had made to me. All right? So that
7 information was then imparted to him. He was
8 still free to write whatever he wanted to write.

9 **Q. It sounds like you are telling him**
10 **what to write.**

11 A. I didn't write anything for him. He
12 was free to write whatever he felt he wanted to
13 write or not write.

14 **Q. And in the next paragraph, are you**
15 **suggesting that you will help him in a child**
16 **custody case against your former client, [Maryann]?**

17 A. (Document examined.) You are
18 referring to the clause that begins with; "In
19 closing Dean"?

20 **Q. Let me see. Yes.**

21 A. And your question is?

22 **Q. My question is: Aren't you also**
23 **discussing his custody case with [Maryann] in**
24 **between trying to enlist his help with your bar**

1 **complaint? You are saying that you will help**
2 **him with the child custody case; isn't that**
3 **true?**

4 A. No, ma'am. Here is another area where
5 you are confused. Whenever children seem to be
6 in jeopardy and where the circumstances are such
7 that the person who has a claim--this case is
8 two years--any person, including a former
9 attorney, has the right, and, in fact, has a
10 morale obligation to report harm and neglect
11 associated with a child or children to others
12 who would have the ability to do something about
13 that.

14 **Q. Correct. Moral obligation.**

15 A. Making observations has nothing to do
16 with impacting confidential information.
17 Observations are not confidential.

18 **Q. Okay. All right. And you were a**
19 **judge too, back then, weren't you?**

20 A. My communications related to private
21 matters and were not written in the context of
22 being a judge.

23 **Q. Right. But I mean, as a judge, you had**
24 **witnessed--you just said, if you witness**

1 something like that, even as a human being or a
2 lawyer you would have to say something. So what
3 action did you take as a probate judge? You saw
4 abuse in the home, you saw these kids were in
5 danger, that is why you contacted her
6 ex-husband, correct?

7 A. Yes.

8 Q. So what action did you take to
9 protect those kids?

10 A. Someone would have to file a case in
11 court and frankly, if any such case were filed
12 involving [Maryann], I would have immediately
13 disqualified myself and not heard the case.
14 Some other judge would have heard the case.

15 Q. I didn't ask you that. As a judge, if
16 you witness a crime --

17 A. A crime?

18 Q. A crime. Isn't child abuse a crime?

19 A. It can be.

20 Q. Okay. If you witness a crime--as a
21 judge, when you see children being abused, you
22 don't have an obligation, as a judge, to take
23 action?

24 A. I don't see those things. I hear

1 cases as a judge. Whatever may have happened--
2 happened outside the courtroom in someone's home
3 or somewhere else. I am only hearing about
4 those things in court because someone has filed
5 a case and asked me to hear their evidence.

6 **Q. So if you see evidence yourself on**
7 **the street--even though you are a judge, a**
8 **part-time judge--you don't have to do anything?**
9 **You don't have an obligation to do something**
10 **about that?**

11 A. I would attempt to stop it. I would
12 contact the authorities perhaps or I would contact
13 other responsible adults connected with the
14 children, yes.

15 **Q. But do you have an obligation, as a**
16 **judge, as a part-time judge--in that elected**
17 **capacity--do you have an even higher obligation**
18 **to take action where you see a crime taking**
19 **place?**

20 A. First of all, what I see in my
21 private capacity while not wearing a robe, I am a
22 private individual at that point.

23 **Q. If you participate in the crime, it's**
24 **okay?**

1 A. I am not even going to answer this
2 question. It's such an inappropriate question.
3 It's not based on any facts in evidence. It's
4 harassing. It's seeking information that is not
5 relevant.

6 **Q. You are saying that she is abusing her**
7 **kids and you are contacting the other side of**
8 **her case because you are worried about the kids.**
9 **Now, you went back to her after that, didn't**
10 **you? And you were still a judge. Did you go**
11 **back to her?**

12 MR. MERRITT: Objection to the form
13 of the question.

14 **Q. Did you go back to her after you sent**
15 **that E-mail to [Ex]?**

16 A. If your question is, did we reunite a
17 couple of months later, yes, we did.

18 **Q. At that time of reuniting, did you**
19 **address the abuse issue with the children in the**
20 **home?**

21 A. At that point in time, after
22 discussing with [Maryann] what was going on and
23 hearing her point of view with reference to the
24 allegations that [Ex] made, his allegations did

1 not appear to be valid.

2 **Q. I am not talking about the**
3 **allegations [Ex] made. I am talking about the**
4 **allegations you made.**

5 A. What allegations are you saying that
6 I made, other than what I wrote in response to
7 what he was disclosing to me?

8 **Q. You had not written to him; "rescue**
9 **your kids [Ex], these kids are being harmed?"**
10 **You didn't write those things to [Ex]?**

11 A. Are you referring in 2008, shortly
12 after [Maryann] and I split up the first time?

13 **Q. That was not the first time though.**
14 **You got back together after that.**

15 A. No, we didn't.

16 **Q. Yes, you did.**

17 A. We saw each other a couple of very
18 brief times on occasion but never went back as a
19 couple after 2008.

20 **Q. In both instances, in both 2005 and**
21 **2008, when you contacted [Ex], isn't it true that**
22 **you actually retracted your statements about**
23 **[Maryann] and her parenting when you got back**
24 **together with her? Isn't that true?**

1 A. I did at one point, yes.

2 **Q. Okay. And you never took any action**
3 **as an officer of the court? You never took any**
4 **action to protect those kids; is that true?**

5 A. Your question is impertinent. You
6 said nothing that states that I had any
7 obligation to report anything. So your question
8 is inappropriate. If your question is, did I as
9 an individual report anything to anybody
10 concerning her other than to [Ex] and in the
11 instance you are referring to; no, I didn't.

12 **Q. Was she an abusive mother?**

13 A. Yes.

14 **Q. But you didn't report it?**

15 A. She was verbally abusive. I don't
16 recall that she struck the children. I think
17 she did strike her son on the side of the head
18 on one occasion but it was not real forceful.
19 She would scream at them a lot.

20 **Q. And you did nothing, as a judge and an**
21 **attorney, you did nothing to help those kids?**

22 A. I talked with her about that and I
23 would comfort the kids myself from time to time
24 when I was babysitting them.

1 **Q. In December of 2007, did you write an**
2 **E-mail to 44 lawyers, saying she was a terrific**
3 **mother?**

4 A. I recall writing an E-mail to lawyers
5 in response to something that had been posted
6 negatively about her by an attorney, as I recall.
7 I think it involved Attorney David Bobrow who
8 represented [Maryann] in a different proceeding--
9 something, I think, involving her ex-husband or
10 mother-in-law in 2006 or 2007 maybe. And some
11 lawyer had accused Bobrow of having some kind of
12 romantic relationship with her, having been
13 allegedly seen with her somewhere. I think it
14 was in Portland. And Bobrow was very upset
15 about that, and denying that, and the E-mail was
16 forwarded to me and the E-mail was something
17 that he, as I recall, had written to that large
18 number of attorneys which you are referring to,
19 denying that accusation and being rather upset
20 about it. So I did write something in their
21 collective defense, both his and [Maryann's]
22 collective defense.

23 **Q. But weren't you the one that started**
24 **that rumor?**

1 A. No.

2 **Q. All right. We will get to that. All**
3 **right.**

4 A. No. Is this something you have
5 written about in your book that makes this
6 relevant, Miss Madore.

7 **Q. You are the one that brought up**
8 **Bobrow. I was discussing the child issue, the**
9 **contact with [Ex] and the child issue. Okay?**

10 MR. MERRITT: You were asking him
11 whether he wrote E-mails to 44 lawyers.

12 MS. MADORE: Saying she was a great
13 mother.

14 **Q. I am showing the varying--one minute**
15 **she is abusing the children, the next minute you**
16 **are saying she is a wonderful mother to**
17 **everybody.**

18 A. Is there something in your book that
19 talks about the claims regarding her motherhood
20 or parenthood that makes this relevant at all,
21 because these are not the focus of my
22 defamation lawsuit against you. It seems to me
23 you could be using the time much more--

24 **Q. You wrote a retraction letter, if you**

1 **recall. We are talking about the retraction**
2 **letter and your motive for writing it.**

3 A. Which retraction letter?

4 **Q. We are talking about the retraction**
5 **letter and that led us to whether or not you**
6 **would tell a witness what to say, that [Ex]**
7 **email, and your motive for writing that. That**
8 **is what led us there. And your objection is**
9 **noted.**

10 A. First of all, I don't know what you
11 are talking about--my retraction letter?

12 **Q. I'm sorry. [Maryann's] retraction letter.**

13 A. Retraction letter to the bar? To the
14 number of lawyers you mentioned?

15 **Q. Yes.**

16 A. All this is objected to.

17 **Q. Your objection is noted.**

18 A. You are off the deep end in a
19 different direction.

20 **Q. You were referring to bills that you**
21 **sent to me in Daddy's case when you wrote, and I**
22 **quote --**

23 A. Just to be clear Daddy's name is
24 [Daddy].

1 **Q. I am using the names in the book so**
2 **that it's easier to identify who we are talking**
3 **about.**

4 A. So now you are willing to make the
5 names public. You weren't in the book.

6 **Q. I am using the name in the book, which**
7 **is Daddy. Okay?**

8 A. All right.

9 **Q. I am quoting here --**

10 A. Is there an exhibit that you wish to
11 mark, ma'am?

12 **Q. It's your answers to interrogatories.**
13 **I am following this word for word.**

14 A. Which interrogatory?

15 **Q. We are on your comment about chapter**
16 **12, which is interrogatory 13.**

17 A. By the way, that is a typo. It should
18 have been referring to chapter 13 and 22 from
19 what I recall.

20 **Q. All right. It says chapter 12 number**
21 **13.**

22 A. But that is wrong.

23 **Q. Go to 5. Follow along. We are on**
24 **chapter 12. And then we go a, b, c. Okay. You**

1 **write; "[Madore] reacted by filing a variety of**
2 **ultimately unsuccessful professional grievances**
3 **against me in her malicious, nearsighted effort**
4 **to attempt to discourage those collection**
5 **efforts." Did you write that?**

6 A. Yes.

7 **Q. Okay. What evidence do you have that**
8 **I filed those bar complaints in an effort to**
9 **attempt to discourage your collection efforts?**

10 A. That is very clear from the evidence.
11 The jury will be able to draw that conclusion.
12 But the fact of the matter is a small claims had
13 been filed against your brother in very early
14 2007, a few months before you filed your
15 grievances, and you were very upset about that. And
16 as a result, you therefore orchestrated and made
17 your upset known to [Maryann]. And
18 then you subsequently, in May or June, filed
19 your first grievance, along with the arbitration
20 complaint regarding that very collection effort.
21 Okay. And after that you filed another
22 grievance relating to my non-payment of support
23 and you filed a grievance with the judicial
24 conduct committee. Whether you see this or not

1 I believe the jury is going to reach a different
2 conclusion.

3 **Q. In fact, I filed two grievances with**
4 **the Overseers of the Bar, correct?**

5 A. Yes.

6 **Q. What are the three issues in my bar**
7 **complaint?**

8 A. In which bar complaint?

9 **Q. In all grievances.**
10 **What were the three key issues?**

11 A. To the best of my recollection, the
12 issues were 1, that you felt that you and your
13 brother had been unfairly billed and there was
14 associated legal malpractice concerns with your
15 legal work that I had done on your behalf. That was
16 one issue that I recall. A second issue was your
17 claim that I had engaged in unethical activity
18 or behavior regarding [Maryann], relating to
19 my relationship with her from 2003 to the time
20 of your writing.

21 **Q. Say that again. What was my**
22 **complaint?**

23 A. That was the second thing that you
24 were complaining about. Your perception of my

1 unethcal behavior relating to my relationship
2 with [Maryann] that goes back to how she and
3 I became involved in 2003.

4 **Q. Aren't you talking about my claim**
5 **that you violated the attorney/client privilege?**
6 **Is that what you are talking about?**

7 A. You had asserted that as well, yes, I
8 believe you did in connection with that third
9 issue. The third was the child support issue,
10 non-payment of support, in your grievance, yes.

11 **Q. What about the client funds?**

12 A. That was a fourth issue.

13 **Q. So there were four key issues. The**
14 **child support was a side issue I heard about**
15 **after the fact. But the key issues are the**
16 **clients funds, the attorney/client privilege,**
17 **and Daddy's case. Would you say that is an**
18 **accurate depiction of what they were?**

19 A. Not really. The fourth issue was the
20 child support issue. Your claim, one aspect,
21 was so called attorney/client breach of
22 confidentiality. That was part of the larger
23 picture you were complaining about. And you
24 were referring to my relationship with [Maryann]

1 that had begun in 2003.

2 **Q. All right. Let's start with the**
3 **client funds. At any point in time before or**
4 **directly after the filing of my bar complaints,**
5 **had your firm used client funds to pay the**
6 **firm's expenses.**

7 A. As I learned in time, yes, it did.

8 **Q. How much in client's funds was used**
9 **to pay your law firm expenses?**

10 A. It was discovered in January or
11 February of 2008 that it was in the neighborhood
12 of about \$70,000 dollars.

13 **Q. Okay.**

14 A. And I knew nothing about it.

15 **Q. Right. Okay. So that**
16 **statement that I made to the bar was actually**
17 **true, wasn't it?**

18 A. No, it wasn't. You didn't ask me, as
19 the careful investigator that you claim to be,
20 you never asked me about it. You were just so
21 upset that you and your brother had been sued
22 you didn't care about the full picture, you just
23 wanted to run with it to the board and the board
24 saw through you and dismissed the grievances.

1 **Q. What was my allegation to the board**
2 **about client funds?**

3 A. If you want to submit your presenting
4 evidence, your total grievance, you can do that.

5 MS. MADORE: I am putting in
6 Exhibit 6. We will enter this one first.
7 This will be 5 and this will be 6.

8 (Exhibit No. 5 marked;.

9 Transcript excerpt.)

10 (Exhibit No. 6 marked;.

11 Letter, August 3, 2007.)

12 **Q. Can you read the first sentence in**
13 **the last paragraph to refresh your memory of what**
14 **my claim was on the client funds?**

15 A. You are referring to Exhibit 6 for
16 the record, correct, ma'am?

17 **Q. Yes. Read it into the record,**
18 **please.**

19 A. "Regarding the new issues you present
20 in your 'grievance statement 2' that Attorney
21 Nadeau has been 'using client funds to pay
22 company bills' and that he is 'currently in
23 excess of \$60,000 in arrears with respect to his
24 child support obligations,' you acknowledge that

1 you have no first-hand knowledge in support of
2 those allegations." Is that what you are asking
3 me to read?

4 **Q. Yes. Thank you. So the bar is**
5 **reiterating what I was claiming in my grievance,**
6 **which is that you were "using client funds to pay**
7 **company bills," correct? Is that what I was**
8 **claiming?**

9 A. I read the language, so ...

10 **Q. Is that correct? Was that what my**
11 **claim was: "He is using client funds to pay**
12 **company bills?" Is that what I claimed you did?**

13 A. That is what you claimed.

14 **Q. Isn't that, in fact, what you did?**

15 A. No, it wasn't. That is what happened,
16 but not what I did. I didn't know about it.

17 **Q. So it happened?**

18 A. It happened, yes.

19 **Q. So what I said to the bar was true?**

20 A. No. You implied it was some kind of
21 a sinister thing, that I knew about it, and I was
22 actively involved. That is the problem with the
23 deficiency in your report.

24 **Q. Where does it say that in this?**

1 **Where does it say that about 'sinister' and all**
2 **that other stuff? Where does it say any of**
3 **that?**

4 A. It was clear to me, the timing is
5 obvious as you doing this stuff that you were
6 upset that you and your brother are getting billed.

7 **Q. How do you know my motives for what I**
8 **do?**

9 A. You are very transparent. That is
10 exactly what it was, that frivolous appeal of
11 yours.

12 **Q. I withdraw the question.**

13 A. Oh, it's on the record, ma'am.

14 **Q. Okay. Let's read from where I put**
15 **this little pink dot. Read that next sentence**
16 **after the one about what my claim was. Read**
17 **that next sentence what the bar said.**

18 A. The sentence that you are asking me
19 to read: "Also, any possible issues of mishandling
20 law firm funds could give rise to an
21 investigation for review by a panel of the
22 grievance commission under the Maine bar rules,
23 but only if such allegations were supported with
24 reliable corroborative data. In this case I

1 cannot initiate or approve any grievance
2 commission involvement or action under those bar
3 rules based solely on the second hand
4 information you have stated."

5 **Q. Okay. That is good. So did they see**
6 **right through me, as you just testified? Did**
7 **they see right through me?**

8 A. I think so, based on what they later
9 told me about you and [Maryann].

10 **Q. So they later spoke to you about**
11 **this?**

12 A. Oh, yes. She found you to be void of
13 credibility.

14 **Q. Okay. But in this letter, she does not**
15 **say that, does she?**

16 A. Not in that letter, no.

17 **Q. Okay. So in this letter, they say it**
18 **would be something they would look at, but they**
19 **didn't look at it, did they? They dismissed it.**
20 **This would be something they would research but**
21 **it came from the wrong source; is that right?**
22 **Is that fair to say?**

23 A. What I would say is that clearly, if
24 someone of standing had a viable complaint

1 with respect to a matter such as that, they would
2 look at it. I would think so, yes. And they
3 did.

4 **Q. And they said; 'but only if such**
5 **allegations were supported with reliable**
6 **corroborative data' and I didn't have data to**
7 **support it, did I?**

8 A. No.

9 **Q. Yet it was happening to the tune of**
10 **\$70,000, wasn't it?**

11 A. At the time you filed the grievance,
12 no, it was not happening. As a matter of fact,
13 the disappearance of funds based on the
14 information that I had and the testimony that
15 was later presented to the board showed that
16 poor accounting was going on and the related
17 loss of funds occurred after you filed that.

18 **Q. Right. Do you find it strange that I**
19 **had this premonition that this was going to happen**
20 **and then it happened?**

21 A. I don't know that it was. No, I don't
22 find it strange. I don't think that that was
23 really a premonition or a real concern of yours.
24 What was a concern was trying to throw as much

1 against the wall as you could simply because --

2 **Q. Just listen to my question. Can we**
3 **stick to my question?**

4 A. Ma'am, you asked me a question and I
5 am going to answer it.

6 **Q. You are not answering it.**

7 A. Please don't interrupt me until I
8 finish or we are done. All right. You were
9 very angry about the facts.

10 MS. MADORE: Objection. I am going
11 to put on the record: he is harassing and
12 telling me what I am feeling and thinking
13 and I am asking for the 100th time to stick
14 to answering my questions. I do not want
15 to be harassed.

16 A. If you ask me for a yes or no answer,
17 if possible I will give you that. If I cannot
18 give that to you I am going to tell you it can't
19 be answered with a yes or no response. But if
20 you ask an open ended question you are going to
21 get an open ended response.

22 **Q. Okay. My question was: do you find it**
23 **odd, yes or no, that just months after I make**
24 **this claim to the Bar of Overseers it actually**

1 **comes true to the tune of \$70,000? Do you find**
2 **that strange?**

3 A. It's coincidental. Certainly
4 coincidental.

5 **Q. Do you think it's a coincidence?**

6 A. It certainly was a coincidence, yes.

7 **Q. There was no conversation between you**
8 **and [Scapegoat] about this ongoing problem**
9 **of client funds? There was no conversation at**
10 **that point; is that your testimony?**

11 A. No conversation between me and who?

12 **Q. Your bookkeeper, about these client**
13 **funds at the time I filed that bar complaint.**
14 **Is that your testimony?**

15 A. There was conversation and she
16 assured me that everything was accounted for and,
17 yes, there was communication and she confirmed
18 to me everything was fine and I trusted her.

19 **Q. So you two were not arguing in your**
20 **E-mails about whose fault it was that client**
21 **funds were used to pay law firm's expenses?**

22 A. I told her that was not permitted and
23 she came into my office. Initially I think she
24 might have said something like, 'well, you know, I

1 have been doing this.' She was basically estimating
2 what she believed to be her earned fees rather
3 than having concrete accounting to establish
4 what was earned. In any event, she assured me
5 everything was fine. At that time, I also had
6 her take her records to an independent CPA for
7 review.

8 **Q. When did you do that?**

9 A. That would have been in 2007. We had
10 an accountant at the time in Sanford who was
11 basically overseeing her bookkeeping work.

12 **Q. So you and she were discussing this**
13 **client funds issue at that time, and yet it got**
14 **worse. So whatever issue there was--even if**
15 **there was no issue--it literally got worse, is**
16 **that true?**

17 MR. MERRITT: Objection. You asked
18 him a question and asked him a follow up
19 question before giving him an opportunity
20 to answer it. You asked him one question
21 and you stopped then you asked him is that
22 true.

23 MS. MADORE: I apologize.

24 MR. MERRITT: It's the form of the

1 question. I think whatever it is you are
2 asking go for it but just slow it down a
3 little bit and let him answer.

4 MS. MADORE: Okay.

5 **Q. So you just discussed a conversation**
6 **you were having with [Scapegoat] back when I**
7 **filed a bar complaint that monies were**
8 **used to pay law firm expenses; is that correct?**

9 A. Yes. More or less yes.

10 **Q. So knowing there was some issue there**
11 **at that time, you allowed it to escalate, and by**
12 **December you were \$70,000 into client funds?**

13 A. No. That is not true. You didn't
14 listen carefully to what I said. I took
15 immediate action to require her to show all of
16 her records to the CPA who had, from time to time,
17 been working with her to verify the accuracy of
18 her accounting. All right? So that was how I
19 responded.

20 **Q. Who was the CPA?**

21 A. [Name].

22 **Q. Did the bar say in their letter--when**
23 **they dismissed it--did they say, 'there has been**
24 **no wrongdoing or mishandling of client funds?'**

1 **Did they say that?**

2 A. I would have to look at it. I
3 believe there is something like that, yes.

4 **Q. We are talking about the client**
5 **funds right there. So you can read there. Tell**
6 **me where it says there was no wrongdoing or**
7 **mishandling of client funds.**

8 A. You are not referring to the
9 subsequent Orser decision?

10 **Q. I am referring to--not something that**
11 **happened three years later. I am referring to**
12 **what happened at the time of my bar complaint**
13 **that I 'maliciously' filed. Okay? So in their**
14 **letter, did the bar say you were exonerated?**

15 A. Not in that letter.

16 **Q. No.**

17 A. Yes, in effect they did because --

18 **Q. How did they? Show me.**

19 A. They had nothing before them, as they
20 made very clear in this letter, to substantiate
21 your claim or suspicion.

22 **Q. Weren't they saying they don't have**
23 **enough to investigate?**

24 A. That is what they were saying.

1 **Q. So they didn't investigate? Yes or**
2 **no?**

3 A. What that means is they have no
4 evidence to substantiate your claims and
5 therefore your claims are not viable.

6 **Q. So did they investigate?**

7 A. They investigated as far as getting
8 to the point of reviewing what you submitted in
9 writing that letter.

10 **Q. Okay. And were my claims viable?**

11 A. No, they weren't.

12 **Q. So \$70,000 of client funds were**
13 **used to pay your law firm's expenses. That**
14 **isn't exactly what I told them I thought you**
15 **were doing?**

16 A. Ma'am, again, let me try to help you
17 focus. That letter was written in August of
18 2007. I believe I already answered your
19 question. Up until that date, there had been no
20 lack of accountability of funds. In fact, the
21 CPA in conjunction with [Scapegoat], who was the
22 bookkeeper at the time, confirmed that there was
23 no loss of accountability of funds and
24 inappropriate use of funds.

1 **Q. In fact, you had not been caught yet,**
2 **had you?**

3 A. Wrong. Wrong. And had you asked
4 instead of just firing off that complaint you
5 would have known that.

6 **Q. Didn't my complaint tip you off?**
7 **Maybe you should have had checked into your**
8 **funds, maybe the \$70,000 wouldn't have been**
9 **taken.**

10 A. Ma'am, I am afraid you are not
11 listening. I already said it tipped me off. I
12 directed that she contact the CPA, which she did.
13 It was confirmed there was no inappropriate
14 handling of funds and everything was accounted
15 for.

16 **Q. So how did it happen?**

17 A. It happened afterwards.

18 **Q. How?**

19 A. In connection with the transition
20 from Nadeau & Associates, PA to Nadeau Law, LLC.
21 That happened in early September of 2007 or
22 2006. At that point in time, the bookkeeper had
23 difficulty trying to manage two different law
24 firm's books and making a transition of accounts

1 from one firm to the other and thereafter there was
2 lack of accountability. The point is; at the
3 time you that you filed your grievance, there was
4 no lack of accountability, no loss of funds.
5 You were jumping over the deep end for other
6 reasons. You were angry that you and your brother
7 were being held accountable.

8 **Q. Were you exonerated by the bar in**
9 **2007 with a dismissal?**

10 A. Yes.

11 **Q. They exonerated you? They said that**
12 **there was no mishandling of those funds? Where**
13 **does it say that?**

14 A. They didn't say that.

15 **Q. Correct. So you were not**
16 **exonerated?**

17 A. They said you had no case. That is
18 being exonerated.

19 **Q. No, it's not.**

20 A. You can argue that if you want.

21 **Q. It says here, let's read it one more**
22 **time. You are a lawyer and a judge. Okay?**

23 A. We object to her question and
24 assertions 'a lawyer and a judge' within the

1 context of that. Go ahead, ma'am.

2 **Q. I am speaking of experience, that you**
3 **know they didn't exonerate you. You, as a**
4 **lawyer and a judge, should know they did not**
5 **exonerate you. They chose not to investigate**
6 **because they found there was not enough evidence**
7 **to support that kind of intrusion to you, didn't**
8 **they?**

9 A. That was the equivalent of an
10 exoneration.

11 **Q. What is an exoneration?**

12 A. There is no prosecution going on.

13 **Q. No. Isn't exoneration when they**
14 **find you not guilty, when they investigate and**
15 **find you are actually innocent of the complaint?**

16 A. When someone dismisses a complaint or
17 finds no probable cause to go forward, that is
18 the equivalent of exoneration, at least for the
19 time, yes. The troubling thing is you never
20 thought to ask me what was going on to the
21 extent that it would have been any of your business
22 to begin with.

23 **Q. I don't need you to say it again.**

24 A. You are not one who cares about

1 knowing the truth or doing a full investigation.

2 **Q. The second is the client/attorney**
3 **privilege that I reported that you violated.**

4 A. I object to that statement.

5 **Q. Okay. On [Maryann].**

6 A. And you have no standing.

7 **Q. Back in 2005, the Bar of Overseers**
8 **reprimanded you for contacting the other side of**
9 **[Maryann's] case; is that right?**

10 A. That had nothing to do with [Maryann].

11 No. You are wrong.

12 **Q. Okay.**

13 A. I received a public reprimand.

14 **Q. I know about that. They didn't**
15 **reprimand you at all for what you did in**
16 **contacting the other side of [Maryann's] case?**

17 A. It was not [Maryann's] case. This was a
18 separate lawsuit between me and two attorneys
19 who had worked for me.

20 **Q. I am going to read from the bar's**
21 **letter in Exhibit 6. It says; "The facts giving**
22 **rise to your claims of ethical violations by**
23 **Attorney Nadeau appear to be many of the same**
24 **factual allegations that were brought against**

1 **Attorney Nadeau in a prior complaint filed by**
2 **[Maryann] in 2005. Those same issues were**
3 **subsequently the subject of an order of the**
4 **Maine Supreme Judicial Court."**

5 **So are you saying that they lied, they**
6 **didn't address those issues?**

7 A. They dismissed them. Your question,
8 ma'am, was about whether a separate
9 communication I had with a lawyer representing
10 two lawyers who used to work for me had
11 something to do with [Maryann's] case or involved
12 [Maryann's] case. No, that is wrong.

13 **Q. Okay. So I sent the bar E-mails**
14 **showing you had violated the attorney/client**
15 **privilege in 2005 and 2008.**

16 A. Wait a minute. You filed the
17 grievance in 2007, so you wouldn't have been
18 writing about anything in 2008. Could you? I
19 know you are clairvoyant--you already talked
20 about knowing about missing funds that had not
21 been missing when you filed the grievance.

22 **Q. I'm sorry. They started in July of**
23 **2007. That is right. In July of 2007. Okay.**
24 **You are correct.**

1 **In 2005 and 2007, you violated the attorney/
2 client privilege. That is what I said, is that
3 right?**

4 A. Something to that effect.

5 **Q. And I sent in a bunch of E-mails to
6 show that, correct?**

7 A. I believe so. Yes.

8 **Q. And their response was that they had handled
9 this in 2005, correct? That is what that letter
10 I just quoted said, right?**

11 A. Yes.

12 **Q. Okay. Were they right about that?**

13 A. For the most part. I believe they
14 also indicated that you were not the client.

15 **Q. They didn't say that.**

16 A. I am telling you that is the other
17 reason they dismissed it.

18 **Q. But they are saying in their letter
19 the reason they are not going to address it is
20 because they already addressed it, isn't that
21 what they are saying in this letter?**

22 A. That is what they said in print.

23 **Q. I know you know what everybody is
24 thinking but that is what they said. They are**

1 **all talking about it behind my back. I know.**

2 **Okay. All right. Good.**

3 A. That is not what I said, ma'am.

4 Okay.

5 **Q. Okay. Fine. So is it your testimony**
6 **here today that the bar had no problem with what**
7 **you did in 2007?**

8 A. With what I did in 2007?

9 **Q. Did they say you did nothing wrong by**
10 **contacting the other side of her case? In**
11 **Exhibit 6 show me where it says you did nothing**
12 **wrong.**

13 A. What they say is they took no action
14 with respect to your complaint other than to
15 dismiss it.

16 **Q. They said they dismissed it because**
17 **they already addressed it.**

18 A. That is what they said in print.

19 **Q. Okay. And how could they address in**
20 **2005 what happened in 2007?**

21 A. If you have a grievance with them
22 regarding how they handled that matter then you
23 should take that up with them. And as a matter
24 of fact I believe you did in a follow up letter

1 afterwards which was also reviewed.

2 **Q. I am not talking about them. I am**
3 **talking about you. Don't you go around saying**
4 **that the bar exonerated you of all claims?**
5 **Isn't that what you are going around telling**
6 **everybody?**

7 A. They did. There has been no action
8 taken. They chose not to take any action
9 whatsoever relating to your claim.

10 **Q. Okay. My third claim in my complaint**
11 **to the bar was that you neglected Daddy's case;**
12 **isn't that true?**

13 A. That is what you claimed.

14 **Q. What did the bar say about that?**

15 A. I believe they indicated if you
16 really felt you had some kind of malpractice
17 claim, file a lawsuit on that basis.

18 **Q. So they are not the ones who**
19 **determine that, are they?**

20 A. Generally they don't.

21 **Q. So did they say; 'We have reviewed this**
22 **case and he did a fabulous job?' Did they say**
23 **that?**

24 A. In a separate letter. Not in quite

1 that many words but they did respond to your
2 other grievance relating to your claims of
3 malpractice that what you were complaining about
4 didn't occur.

5 **Q. Where did they say that?**

6 A. In a separate letter to you. Don't
7 you have that letter?

8 **Q. No, I don't. So you are saying that**
9 **you stand by your statement that you made in a**
10 **sworn statement that you made in court that you**
11 **were completely exonerated of all charges by**
12 **the bar? Cleared and exonerated. When you said**
13 **that under oath was that true?**

14 A. Yes.

15 **Q. Okay. What was Judge Welch's final**
16 **decision on your previous lawsuit against me?**

17 A. I believe you would have to refer to
18 the judgment. It speaks for itself.

19 MS. MADORE: Let's mark Exhibits 7
20 and 8.

21 (Exhibit No. 7 marked; letter.)

22 (Exhibit No. 8 marked;

23 Memorandum of decision.)

24 **Q. How many claims were in your previous**

1 **lawsuit against me?**

2 A. I don't recall.

3 **Q. Do you remember what they were?**

4 A. And you had some counterclaims.

5 **Q. Do you remember what your claims**
6 **were?**

7 A. Without seeing the complaint I can't
8 say entirely. But there was a breach of
9 contract claim. A quantum merit claim. I
10 believe there were claims for defamation.
11 Emotional distress. Interference with
12 advantageous relations. There might have been
13 an invasion of privacy claim. I don't recall.
14 Those are my memory.

15 **Q. Okay. How many claims were left when**
16 **we went to trial?**

17 A. I believe we were there on the first
18 two counts.

19 **Q. On the first two counts, which were?**

20 A. I believe it was the contract related
21 claims.

22 **Q. So, in other words, you were suing me**
23 **for Daddy's \$5,000 or \$6,000 bill?**

24 A. Yes.

1 **Q. And how much was that lawsuit for?**

2 A. Whatever it was. \$5,000 or \$6,000.

3 **Q. \$6,000. Right. But how much did you**
4 **sue me for initially?**

5 A. I don't believe there was a total
6 amount that was specified in the complaint. The
7 rules don't allow for a specific number to be
8 articulated. It simply allows for a general
9 request for damages.

10 **Q. Didn't you sue me specifically for**
11 **\$700,000?**

12 A. I don't recall the amount that was
13 sought with respect to those other claims.
14 During the course of litigation I learned that
15 you filed for and obtained Chapter 7 bankruptcy
16 in 2008 and it became clear that the cost of
17 proceeding with those remaining counts which
18 were more complicated would not justify the
19 benefit because you were not someone who could
20 or would pay a substantial judgment.

21 **Q. But you didn't withdraw those claims**
22 **until 2011.**

23 A. I don't know when I withdrew them but
24 that is why we withdrew them. I found out in

1 2011 during the course of the litigation that
2 you had filed for bankruptcy in 2008.

3 **Q. All right. So did the court agree**
4 **with you I was a personal guarantor on Daddy's**
5 **bill?**

6 A. I believe the judgment speaks for
7 itself that you were liable for aspects of the
8 bill, particularly the last stages of the legal
9 bill.

10 **Q. That is not what I asked you.**

11 A. Ask the question again.

12 **Q. Your claim in your lawsuit was that I**
13 **was a guarantor on that bill, correct?**

14 A. That was my claim, yes.

15 **Q. And did the court find that that was**
16 **true?**

17 A. The judgment speaks for itself. I
18 believe what the court had found was that you
19 directly contracted with and obtained services
20 from me for work related to the later stages of
21 the billing history.

22 **Q. Okay. Have you ever heard the Latin**
23 **term novation?**

24 A. Yes.

1 **Q. What is that?**

2 A. Novation is a legal term that refers
3 to a restructuring of the contractual
4 arrangement or a replacement of a contractual
5 arrangement.

6 **Q. And, in fact, isn't that what Judge**
7 **Welch did with his order?**

8 A. I don't know. Why is this relevant?

9 **Q. Well, haven't you said in sworn**
10 **testimony in this case, in affidavits, haven't**
11 **you sworn under oath that not only was I your**
12 **client but a judge in that court found that I**
13 **was your client--isn't that what you've stated**
14 **under oath in sworn affidavits? You said it**
15 **countless times, in every E-mail, every pleading--**
16 **you have done it even here today, at this**
17 **deposition. You constantly insist that I was your**
18 **client, don't you?**

19 A. I don't recall saying that. In my
20 view we argued in that case that you were a client.
21 Whether Judge Welch found that would be the case
22 I don't recall. I do know he found you at
23 minimum to have requested and guaranteed payment
24 for services towards the end of the legal

1 representation. That was the subject matter of
2 that litigation.

3 **Q. Right. The final 'new' contract that**
4 **was established when [Daddy] fired you, correct?**

5 A. I don't recall exactly when the
6 starting point that you were obligated to pay
7 the legal bill was.

8 **Q. Do court orders apply to you?**

9 A. If I am a party.

10 **Q. If [a judge] orders something, it**
11 **becomes law for everybody, correct? Even if you**
12 **are a judge, you can't re-adjudicate cases that**
13 **have already been adjudicated, correct?**

14 MR. MERRITT: Objection.

15 MS. MADORE: I will rephrase.

16 **Q. Can you re-adjudicate what has been**
17 **adjudicated by a judge?**

18 A. Only if it's reversed on appeal or
19 amended pursuant to further court order.

20 **Q. But on several occasions, including**
21 **just now today, you state you disagree with**
22 **somebody in an order so you still insist--**
23 **despite what the order says--you are still**
24 **insisting on what you believe the situation to**

1 **be, even though the order says something**
2 **different. You did that in your divorce**
3 **judgment.**

4 MR. MERRITT: Objection.

5 **Q. You were right. They were wrong.**

6 MR. MERRITT: Objection to the form
7 of the question. I don't know how he can
8 formulate a response.

9 MS. MADORE: Okay.

10 **Q. Did this order from Judge Welch make**
11 **it very clear that I was not a party in the**
12 **case or guarantor? Did it make that perfectly,**
13 **perfectly clear?**

14 A. If you want to show me the order.

15 **Q. Exhibit 8, on page 4, and I am going**
16 **to read it. The judge said: "Attorney Nadeau**
17 **relied upon the implied assurance of Nancy**
18 **[Madore] that she would be equally**
19 **responsible for the payment of [Daddy's] legal**
20 **bills. Attorney Nadeau's reliance, however, was**
21 **not reasonable in the circumstances. Nancy**
22 **[Madore] never signed any sort of written**
23 **agreement guaranteeing payment of [Daddy's] legal**
24 **bills. She never explicitly stated orally or in**

1 writing that she would personally assure that
2 such legal bills be paid. The fact that she had
3 the tendency to use the word 'we' in connection
4 with payment of legal expenses was more a
5 colloquial term of phrase rather than an
6 assurance that could be legally relied upon.
7 The fact that she would occasionally use her
8 credit card to pay overdue legal bills did not
9 obligate her to pay other legal bills incurred
10 by [Daddy]." Okay. Does that sound right to you?

11 A. As far as you went, yes. Obviously
12 you have more after that.

13 Q. Once [Daddy] fired you --

14 A. Is that in your exhibit?

15 Q. You can read it. I am going to
16 summarize it. It goes on and on and on. I am
17 going to summarize it for time sake. You can
18 read it and tell me if I have it correct.
19 What I am saying is, in that final E-mail
20 when I said--after Donald fired you--I said; 'go
21 ahead, do the work that has to be done.' When I
22 said that, then I was authorizing that payment
23 because I said; 'have your bookkeeper call me and
24 I will pay for it.' So in that instance, and only

1 **that instance, I was responsible because [Daddy]**
2 **fired you, and I was telling you to go ahead and**
3 **do it. Is that a correct assessment of what the**
4 **judge determined?**

5 A. There was some reference to that.
6 Um-hum. It goes on to say; "Despite the
7 Defendant's arguments,"--and you are the
8 Defendant, Miss [Madore]--"Attorney Nadeau was
9 fully competent in representing [Daddy]
10 throughout the litigation.

11 **Q. Did I ask you that?**

12 A. I am telling you that.

13 **Q. Was that my question?**

14 A. It's curious that you don't ask me
15 that.

16 **Q. I am not going to argue. I will take**
17 **that back, please. You have your chance to try**
18 **your case and do your deposition. May I,**
19 **please, have the document back?**

20 A. And the paragraph before what you
21 have quoted --

22 **Q. Could I have the document back?**

23 A. You don't want me to tell my side.

24 **Q. This is my deposition.**

1 A. Okay. You asked me to review it.

2 **Q. I asked you to review the final**
3 **decision, which is what you just did.**

4 A. I believe your question --

5 **Q. I am not going to sit here and go**
6 **through this with you, Bob.**

7 A. Do you want me to leave?

8 **Q. Give me back the document. Hand me**
9 **back the document.**

10 A. Let the record reflect she does not
11 wish me to clarify what she has asserted in her
12 question.

13 **Q. How is you reading through the**
14 **summary of your testimony in any way responsive**
15 **to my question?**

16 A. You presented a question to me.

17 **Q. Right. 'What was his decision?'**

18 A. Please. You attempted to summarize
19 what his decision was then you asked me if it
20 was true. I was trying to respond to your
21 question but now you do not want to hear my
22 response. Your summary was not entirely
23 accurate. I was about to revisit the rest of
24 that decision.

1 **Q. He only required me to pay what I**
2 **promised to pay in that final E-mail after**
3 **[Daddy] fired you. How is that--nothing else but**
4 **that--how is that not accurate?**

5 A. It's not accurate because his
6 reasoning and finding preceded what you quoted.
7 You don't want me to testify.

8 **Q. What you were reading from was not**
9 **his finding.**

10 A. No, it was his finding.

11 **Q. It was not his finding. Okay. Let's**
12 **disagree. Okay. The award was \$1,900,**
13 **something like that. Do you remember?**

14 A. If I recall you ended up paying a
15 total sum of in excess of \$4,000.

16 **Q. He ordered \$1,900. The rest was in**
17 **late fees, correct? \$1,900 is the amount?**

18 A. If you want to show me the order I
19 can tell you. (Document examined.) \$1,964.17
20 plus interest.

21 **Q. Thank you. So I guess the interest**
22 **must have been more than the actual bill in this**
23 **case.**

24 A. And there were costs as well. A bill

1 of costs was submitted.

2 **Q. All right. So you testified earlier**
3 **that you spent somewhere in the vicinity of**
4 **\$100,000 on this case, correct?**

5 A. I spent time that was probably in
6 that neighborhood.

7 **Q. And you paid Merritt around \$50,000?**

8 A. Um-hum.

9 **Q. That was \$100,000 you spent on that**
10 **case?**

11 A. No, we didn't spend it. We incurred
12 time valued that rate.

13 **Q. Is it a value or not? Did it have a**
14 **monetary value or not?**

15 A. There is a difference between
16 spending and actually paying money vs. simply
17 incurring time as a value.

18 **Q. But whatever the monetary value on**
19 **the time, isn't it \$100,000?**

20 A. Mine was, as I testified before,
21 about \$50,000.

22 **Q. And didn't you say that you paid**
23 **Steve Merritt \$50,000?**

24 A. No, I did not say that. I said that

1 the value of his time was probably similar.

2 **Q. So you didn't pay him?**

3 A. I paid him fees but that is attorney/
4 client privilege.

5 **Q. All right. Now, when you are blogging**
6 **and writing in your pleadings, your sworn**
7 **affidavits, that you won that case is that a**
8 **true statement that you are making?**

9 A. Yes. It is a verdict in my favor.
10 And you were filing a notice of appeal. You
11 really didn't appeal.

12 **Q. There were eight counts. Your**
13 **winning on a portion, a fraction, of one count;**
14 **you consider that a win?**

15 A. No. You had filed early on a
16 frivolous abusive concept counterclaim against
17 me which --

18 **Q. Is this being responsive? I am**
19 **asking you, you filed a lawsuit with eight**
20 **claims against me, correct?**

21 A. Yes.

22 **Q. And you won a fraction of one claim**
23 **amounting to \$1,900 that took five years and had**
24 **a value of \$100,000 in time and money to you.**

1 **Now, can you tell me in what universe that is**
2 **considered a win?**

3 MR. MERRITT: Objection to the form
4 of the question.

5 **Q. Okay. Is that a win in your mind?**

6 A. Yes.

7 **Q. Okay. Why was it a win?**

8 A. It's a Plaintiff's verdict, and it
9 was an award, and it also resulted in the
10 dismissal of a frivolous counterclaim on your
11 part. As I explained to you, Miss [Madore], given
12 your Chapter 7 bankruptcy that we had discovered
13 it simply made no sense to continue spending and
14 wasting valuable time going after someone who
15 clearly wouldn't be able to, or at least claim
16 she was not able to pay a larger judgment based
17 on the other counts.

18 **Q. So two weeks before the trial you**
19 **withdraw seven claims--two weeks before the**
20 **trial, and you were going to trial anyway.**

21 A. Are you testifying?

22 **Q. No.**

23 A. It sounds like you are. Do you have a
24 question?

1 **Q. Yes, I do have a question. Is it your**
2 **testimony here today that two weeks out, two**
3 **weeks before the trial it isn't worth it to just go**
4 **ahead and throw caution to the wind and go for**
5 **broke? It would have been what, an extra day in**
6 **trial?**

7 A. No. More like two or three.
8 And quite frankly it was dismissed. The other
9 claims were withdrawn and dismissed.

10 **Q. Right. Withdrawn.**

11 A. And dismissed. To the best of my
12 recollection that happened quite a long time
13 before we did the trial on the contract.

14 **Q. If I were to represent to you that it**
15 **was within a month, would you say that that close**
16 **to trial--after five years--would you say that is**
17 **reasonable and sensible that you would withdraw**
18 **all those claims that close to trial, when you**
19 **have already spent all this money, \$100,000?**

20 A. Again, I object to the question. It
21 sounds like you are testifying. But to the best
22 of my recollection the lawsuit filed against you
23 was filed in 2010 and tried in 2012. That is
24 not five years according to my math.

1 **Q. Okay. Well, we will reveal all the**
2 **dates and everything in trial then.**

3 A. It's dated August 2010.

4 **Q. Okay. I guess two years dealing with**
5 **you seems like five.**

6 A. It's your record, ma'am. Say what
7 you want.

8 **Q. But there was a lot of discovery and**
9 **a lot of work, a lot of effort; is that fair?**

10 A. It was. And your Chapter 13
11 bankruptcy going after someone who couldn't pay
12 bills.

13 **Q. That was a yes or no. I don't need a**
14 **lecture every question that I give you.**
15 **You state in your answers to**
16 **interrogatories 13F; "[Madore] has a history of**
17 **filing professional complaints against lawyers,**
18 **judges, and even her former boyfriends."**

19 A. Well, you didn't read it entirely but
20 yes, in a sense as a part of that third
21 sentence.

22 **Q. Do you have a history of filing**
23 **professional complaints against other lawyers**
24 **and judges?**

1 A. Why is this relevant, ma'am? Why is
2 it relevant to the contents of your book? What
3 in your book makes that relevant?

4 **Q. Okay. I understand your objection to**
5 **relevance is on the table and I am explaining**
6 **it. The issue of the bar complaint is relevant**
7 **because you are trying to indicate a pattern of**
8 **behavior to show malicious behavior. I filed bar**
9 **complaints against everybody under the sun then**
10 **I wrote that book that shows I am a vindictive,**
11 **malicious person. I want to get the record**
12 **straight about these bar complaints. Okay. You**
13 **are saying I am malicious, awful, terrible,**
14 **and all this and I am just saying, that is how**
15 **you feel, right? You file them quite often**
16 **yourself, don't you?**

17 A. I don't see the relevance.

18 **Q. The judge already has, because he**
19 **ordered you to answer the question.**

20 A. Only because I had not timely
21 objected and that is why, otherwise --

22 **Q. Do you always know what people are**
23 **thinking?**

24 A. Are you harassing me, ma'am? Do you

1 have a question you want to ask?

2 **Q. You just said--for about the tenth**
3 **time--you just said what a judge was thinking**
4 **when he ordered something. Do you always know**
5 **what [a judge] is thinking when they order**
6 **something?**

7 A. No.

8 **Q. So you don't know why he ordered**
9 **that, do you?**

10 A. I do know that he ruled that--based on
11 there was no objection, he was ordering that
12 those interrogatories be answered.

13 **Q. Did you file an objection?**

14 A. I thought I had, but for whatever
15 reason the judge seemed to think no objection
16 had been filed.

17 **Q. You are a piece of work. Okay.**
18 **Let's move on.**

19 A. Do you want to show me his order?

20 **Q. Let's just move on. I don't have the**
21 **order with me right now. Let's just move on.**
22 **Okay.**

23 **How many bar complaints have you filed in**
24 **your lifetime would you say? Just guessing.**

1 A. Against lawyers?

2 **Q. Um-hum.**

3 A. First of all, lawyers have an ethical
4 obligation to file bar grievances against an
5 attorney when evidence of misconduct comes to
6 their attention. Secondly, it's generally my
7 practice and the practice of most attorneys that
8 I know before a bar grievance may be filed we
9 make inquiry of the attorney about whom the
10 complaint might be filed as to the facts. We
11 give rise to a complaint but sometimes there is
12 a misunderstanding and it's not our purpose to
13 file bar grievances when there is
14 misunderstanding.

15 **Q. Is that an answer to my question? I**
16 **asked how many would you say. I didn't ask for**
17 **all this explanation.**

18 A. I know you don't care about why and
19 don't care about asking questions first.

20 **Q. I am asking you for a simple thing.**
21 **How many would you say you filed?**

22 A. I don't know. I know that when I was
23 involved with litigation concerning my former
24 associates, Miss McGarrity and Miss Holmes, that I

1 filed a collective bar grievance against them
2 that consisted of several individual client
3 matters. That was back in 2003, I believe.
4 I filed a bar grievance against Attorney Michael
5 Haenn that resulted in his public reprimand. And
6 a subsequent lawsuit, separate lawsuit, against
7 him. And I am trying to recall if there was
8 anyone else.

9 **Q. Okay. You have given me a name of**
10 **Lefebuer. I don't know how to say that. Who is**
11 **that?**

12 A. He was an attorney.

13 **Q. I just need a full name.**

14 A. Are you asking about what I filed in
15 my capacity as a lawyer or a judge?

16 **Q. Either one.**

17 A. What I just testified about
18 relates to my capacity as an attorney.

19 **Q. As a judge you mean?**

20 A. As an attorney. The complaints
21 against McGarrity, and Holmes, and Haenn were in
22 my capacity as an attorney. Over the course of
23 34 years in practice I have filed a lot of bar
24 grievances.

1 With respect to my capacity as a judge, I
2 have been a judge for 15 years and I believe on
3 three different occasions that I can recall
4 grievances have been filed, all of which ruled
5 in validation and discipline regarding attorneys,
6 and as a judge I have an obligation to report
7 violations.

8 **Q. I am just asking you for the first**
9 **name of Lefebuer.**

10 A. I think the first name was Albert.

11 **Q. Fairchild?**

12 A. Yes. Another attorney.

13 **Q. First name I just need.**

14 A. I don't recall.

15 **Q. Where is he out of? He or she?**

16 A. At this point I don't know. I seem to
17 recall he was out of Old Orchard Beach. I might
18 be wrong about that.

19 **Q. Who is Field? What is his first name?**

20 A. Joseph. He was a judge and I filed
21 that in my capacity as a private individual.

22 **Q. I only want first names.**

23 **Janel, first name?**

24 A. Andre. And that was also in my

1 capacity as an attorney.

2 **Q. Now, you would agree with me this is**
3 **a pretty serious thing, to file a bar complaint,**
4 **correct?**

5 A. Yes. At least I file bar complaints
6 based on facts, not just conjecture or suspicion.
7 There is a difference.

8 **Q. So it should be memorable, if I give**
9 **you a name, it will jog your memory, is that**
10 **correct?**

11 A. Are you harassing me?

12 MR. MERRITT: How would he know?

13 **Q. If it's a pretty big deal filing a**
14 **bar complaint, you would remember if you heard a**
15 **name, correct?**

16 A. I would. If the name were brought to
17 me I would do the best I could to remember the
18 name.

19 **Q. Have you filed a bar complaint or**
20 **sued Karen Lovell?**

21 A. No. Karen is a good friend of mine.

22 **Q. Tom Elias?**

23 A. Mr. Elias, I filed no grievance. I
24 had a successful lawsuit against him.

1 **Q. Ron Caron?**

2 A. No. Never filed a grievance against
3 Ron. He is deceased.

4 **Q. Or bar complaint.**

5 A. No.

6 **Q. Bar complaint or lawsuit.**

7 **Timothy O'Brien?**

8 A. No. I don't know who that is.

9 **Q. Gail Kingsley?**

10 A. No. I don't know who she is. I know
11 the name.

12 **Q. Brian Champion?**

13 A. No. I don't even know that person.

14 **Q. Kay Forte?**

15 A. Never filed anything against Kay.

16 **Q. Ron Bourque?**

17 A. No. Never.

18 **Q. Vicki Mathews?**

19 A. No.

20 **Q. Did you recommend--any of these names**
21 **I am giving you, did you recommend to a client**
22 **that they file a bar complaint against any of**
23 **these people?**

24 MR. MERRITT: Objection. I direct

1 my client not to answer anything in terms
2 of communication between he and his
3 clients.

4 **Q. I am asking you about lawsuits or bar**
5 **complaints. Nothing with Vicki Mathews?**

6 A. Not that I can recall.

7 **Q. Sue Driscoll?**

8 A. No.

9 **Q. Sally Williams?**

10 A. No.

11 **Q. Donna Bailey?**

12 A. No.

13 **Q. Did Donna Bailey file something**
14 **against you?**

15 A. In my capacity as a judge many years
16 ago she did.

17 **Q. And how about the other ones that I**
18 **have named so far, has anybody filed something**
19 **against you? How about Sue or Vicki?**

20 A. No. Not to my knowledge.

21 **Q. Okay. Timothy Benoit?**

22 A. No.

23 **Q. Meredith Richardson?**

24 A. No.

1 **Q. Susan Schultz?**

2 A. No.

3 **Q. Steve Candors?**

4 A. No. I don't believe I filed a
5 grievance against him.

6 **Q. You didn't file against any of these**
7 **people that I have named?**

8 A. No. I don't recall. No.

9 **Q. Tyler Smith?**

10 A. No.

11 **Q. Gene Libby?**

12 A. No.

13 **Q. Frank Mesner?**

14 A. No.

15 **Q. Karen Wolf?**

16 A. I don't believe so. No. I think [Maryann]
17 got some kind of monetary settlement from Miss
18 Wolf.

19 **Q. Now, you understand that I am talking**
20 **about even bar complaints that were dismissed,**
21 **correct?**

22 A. I think your question was did I ever
23 file bar grievances.

24 **Q. Or lawsuits. Any litigation. Or bar**

1 **complaints.**

2 A. Well, if you want to ask lawsuits.
3 I understood the question to be asked if I filed
4 any grievances in the capacity as an attorney
5 and I answered all your questions. If your
6 questions are did I file any lawsuits against
7 any of those persons, first of all, I object to
8 the relevance of all of this, but aside from all
9 of that if you want me to answer that question I
10 think we need to go down the list. And it might
11 save time if you show me the list and I can
12 identify who I brought a lawsuit against.

13 **Q. Okay.**

14 MR. MERRITT: It is now 12:30.
15 Let's take a break for lunch.

16 MS. MADORE: Okay.

17 A. I filed a suit against Tom Elias in
18 2000. He was a former attorney that worked for
19 me.

20 **Q. Okay.**

21 A. And I filed a suit against him
22 relating to accounts receivable issues and he
23 paid a settlement.

24 **Q. I just need a yes or no on anybody**

1 **you did.**

2 A. You know if someone does something
3 wrong it doesn't make the fact that you sue them
4 wrong. The difference is that what I filed I was
5 successful in.

6 **Q. Right.**

7 A. I don't recall filing any suit
8 against any of these other persons you have
9 listed there. I mean there was a claim pursued
10 regarding Attorney Wolf as indicated before on
11 behalf of [Maryann] and she and I reunited and I
12 think it was quickly settled. It did not result
13 in a lawsuit or bar grievance to the best of my
14 recollection.

15 MS. MADORE: How long would you
16 like to break for?

17 MR. MERRITT: We can take an hour.

18 (Lunch recess.)

19 **Q. So, Bob, have you ever filed a bar**
20 **complaint that was dismissed by the bar?**

21 A. Yes.

22 **Q. Do you remember who that was against?**

23 A. The collective complaint that I filed
24 against my former associates McGarrity and Holmes

1 was dismissed.

2 **Q. What about the one with Jack Hines,**
3 **did you file one against him?**

4 A. I don't recall that. There was a
5 lawsuit filed against him but that was
6 different.

7 **Q. Okay. And have you filed a bar**
8 **complaint against any lawyer in Massachusetts?**

9 A. I don't recall. I believe we did file
10 one on your behalf, Miss [Madore], involving
11 Attorney [Schlomo]. I am not sure. But I think we
12 did. I think my counsel in Massachusetts was
13 involved in the resolution of that and I don't
14 recall anyone else.

15 **Q. New Hampshire?**

16 A. I don't think so. Unless there was
17 anything involving reciprocal discipline. For
18 example, [Rusty Hammer] was publicly reprimanded in
19 Maine because he was licensed in New Hampshire
20 yet by rule and a former associate of mine,
21 Miss McGarrity, had received a public reprimand
22 and she was licensed in New Hampshire also.
23 That became the subject of the reciprocal
24 discipline in New Hampshire.

1 **Q. Did you ever file any kind of formal**
2 **complaint against another judge?**

3 A. Well, you named a couple and the
4 answer therefore is yes.

5 **Q. I don't mean as a judge. Have you**
6 **ever filed any kind of complaint against**
7 **another judge?**

8 A. As a judge, have I ever filed?

9 **Q. As anybody. In any action, Bob, have**
10 **you ever filed against a judge? Not a lawyer**
11 **but a judge.**

12 A. As a lawyer I filed. Again, all this
13 is not relevant but I am answering your question
14 because discovery can be reasonably broad. I
15 filed a grievance at the request of a divorce
16 client against Judge Janel. You mentioned the
17 name a while ago.

18 **Q. So that was a judge, not a lawyer,**
19 **you filed a grievance against him?**

20 A. In my capacity as an attorney for a
21 client who was upset with him.

22 **Q. When you said as a judge on the other**
23 **one, those are the judges you filed a complaint**
24 **against; is that what you are saying about the**

1 **judges?**

2 A. I filed judicial responsibility
3 complaints in my capacity as a private person or
4 attorney against two judges that I can recall.
5 One was Janel, and I just explained that, and
6 the other was one was Field who was a person
7 involved in, he was the judge who heard my
8 original divorce case.

9 **Q. Okay. Did you have one of your**
10 **bankruptcy judges recused?**

11 A. No.

12 **Q. You didn't attempt to?**

13 A. I filed a motion to disqualify.

14 **Q. Who were you trying to have recused?**

15 A. In the bankruptcy matter it was Judge
16 Haines.

17 **Q. Did you recently have a judge in**
18 **Maine recused?**

19 A. I requested recusal and the judge was
20 removed. And you are talking about Judge
21 Cantara--and he is in a collateral protection
22 case between me and your co-author.

23 **Q. Okay. Now, were these grievances and**
24 **complaints hateful and retaliatory when**

1 **you filed them?**

2 A. No because they had merit.

3 **Q. Okay. Do you remember a judge by the**
4 **name of Brooks?**

5 A. David Brooks. The judge I succeeded
6 when I first became probate judge in 1997.

7 **Q. So you ran against him; is that fair**
8 **to say?**

9 A. Yes.

10 **Q. And do you remember what you handed**
11 **out to the public for your advertising campaign**
12 **in that election?**

13 A. Again, I really fail to see the
14 relevance of this. I don't recall all of the
15 specifics of what may have been handed out in
16 that campaign but I know that there was an issue
17 relating to the fact that Judge Brooks in his
18 private capacity as an attorney received some
19 form of bar discipline prior to that election.

20 **Q. You don't remember what the**
21 **discipline was?**

22 A. Not specifically. I recall it was a
23 public reprimand but I don't recall what it was
24 about.

1 **Q. So it was a public reprimand. So he**
2 **got a public reprimand and, what you did was, you**
3 **made copies of it and you handed it out to the**
4 **public when you were campaigning for office of**
5 **judge; is that correct?**

6 A. I don't recall that. I know that it
7 had been mentioned in the course of the
8 campaign.

9 **Q. Are you saying you didn't hand out**
10 **copies?**

11 A. I am not saying that I remember--I am
12 saying I don't remember. I don't know that I
13 did. It's possible but I don't recall. I do
14 know that it was an issue in the campaign.

15 **Q. It was an issue as an attorney,**
16 **correct?**

17 A. Correct.

18 **Q. But you saw fit to announce that**
19 **publicly, when he was in the capacity of being a**
20 **judge, when he was in the process of going for**
21 **re-election as a judge?**

22 A. It was during an election campaign,
23 and therefore the judicial rules authorized
24 discussions relating to qualifications of a

1 person seeking a judicial office.

2 **Q. Only when they are seeking it, not**
3 **when they actually have it?**

4 A. He was seeking re-election for the
5 office.

6 **Q. But it's only during an election?**
7 **It does not apply to--once they are a judge**
8 **their personal behavior**
9 **does not matter anymore?**

10 A. It can matter but only, again, during
11 election time, within the context of the election,
12 opposing parties can raise issues relating to
13 that if they believe it bears un-qualification.

14 **Q. So basically, once they are elected**
15 **they are pretty much free to do whatever they**
16 **want?**

17 A. No. They have to comply with
18 judicial conduct rules like judges.

19 **Q. But only on the bench, only as a**
20 **judge. It does not matter once they are elected;**
21 **is that what you are saying?**

22 A. Again, their personal life is dealt
23 with outside of the scope of the judicial
24 conduct rules. There are very general, vague

1 rules with respect to conduct of judges. I don't
2 recall the exact language but, as a general rule,
3 a person's private life is a person's private
4 life. But even to the extent that something
5 involving a judge may be sighted, one does not
6 have a right to be reckless of fault with
7 respect to it. And in terms of what is
8 supporting in lieu of being liable for
9 defamation, one does not have the right to
10 invade privacy. And there are four different
11 types of invasion of privacy.

12 **Q. I am going to stop you there before**
13 **you go on. So what you did to Brooks--if you did**
14 **hand out those flyers--would that have been**
15 **defamatory?**

16 A. No because it was true. It related
17 to an actual finding.

18 **Q. But he didn't do that as a judge. You**
19 **weren't calling him on anything he did in the**
20 **capacity of a judge, were you?**

21 A. No. It related to his capacity as an
22 attorney but it affected his qualifications to
23 serve as a judge for purposes of electability, or
24 re-electability. and in the limited confines of

1 an election, authorized communications regarding
2 qualifications and during an election anyone who
3 might run against me or in the past, when I ran
4 for judge, had the right and has the right to let
5 the world know about things that relate to my
6 qualifications as long as it's truthful just as
7 what I did was truthful.

8 **Q. And are a person's ethics part of**
9 **their qualifications as a judge? Does that fall**
10 **under the qualification as a judge?**

11 A. It can be examined or considered.
12 People can make evaluations at that point. Your
13 book was not published during any election. It
14 was published while you were being required to
15 pay a judgment you didn't want to pay while an
16 appeal was pending.

17 **Q. So it's only during the election**
18 **period that judges' behavior is held up to public**
19 **scrutiny?**

20 A. As among judicial candidates in the
21 context of an election, judges can only comment
22 on the qualifications of other judges and
23 members of their campaign committee can only
24 comment on the qualifications of other judges

1 while the election process is occurring.

2 **Q. Okay. Was it malicious, hateful and**
3 **retaliatory when you filed a bar complaint**
4 **against Rusty Hammer?**

5 MR. MERRITT: Objection.

6 MS. MADORE: We have been using the
7 names we use in the book. so we call him
8 'Rusty Hammer.' That is how he is referred
9 to in the book. When it goes to trial it's
10 going to be so much easier.

11 A. It would have been easier for the
12 reader if they had been candid of the real names
13 of these persons. Rusty Hammer is [Rusty Hammer].

14 **Q. Was it malicious and retaliatory when**
15 **you filed a bar complaint against him?**

16 A. No. And the reason for that is the
17 bar complaint, as proof of that the bar
18 complaint was upheld in sharp contrast to what
19 you filed.

20 **Q. Wasn't most of it discarded and**
21 **dismissed? Didn't they say your testimony was**
22 **not to be relied upon because you were to**
23 **personally involved and angry?**

24 A. They did say that. They were

1 focusing on his testimony rather than mine, but
2 his testimony was about the very subject matter
3 that I had complained about and I had proof
4 that was, in fact, true.

5 **Q. On one count, correct?**

6 A. There was only one count.

7 **Q. You were not claiming all kinds of other**
8 **problems, like mishandling of other cases that you**
9 **had given him?**

10 A. There was a grievance that was filed
11 relating to his failure to disclose to me
12 relevant information relating to his
13 relationship--with his romantic and sexual
14 relationship with [Maryann]--while he was
15 employed by me and while I was supposedly
16 engaged to be married to her and, in any event,
17 living with and supporting her and her children,
18 and while he was representing me in a variety of
19 legal matters.

20 **Q. Okay. Did you want to hurt Rusty**
21 **Hammer after you heard he was having an affair**
22 **with [Maryann]?**

23 A. I wanted justice and I obtained that.

24 **Q. Oh, okay. All right. What was your**

1 **first indication that they might be having an**
2 **affair?**

3 A. A senior attorney who was employed
4 by my law firm after he began his employment
5 with me in January of 2007 reported to me, and to
6 another senior attorney, that [Maryann] had claimed
7 to her that she was going to have an affair with
8 [Rusty Hammer] and that I would not learn about it.

9 **Q. Was that Frances Linderman?**

10 A. Yes.

11 A. So when did Frances tell you about
12 this?

13 A. In late January or early February
14 2007 to the best of my recollection.

15 **Q. Okay. Did you and [Maryann] fight about**
16 **this or argue about this?**

17 A. There was discussion about it.
18 Miss Linderman was in my office. We called
19 [Rusty Hammer] into the office. He denied that he
20 would ever do such a thing. We called my home.
21 [Maryann] answered. The report was announced to her
22 and Miss Linderman and [Maryann] engaged in an
23 argument over the phone and [Maryann] stated to
24 Fran; 'Now you are going to get my children and me

1 thrown out on the street.' I remember that. When
2 I went home later she professed she would never
3 do that and I was stupid enough to believe it.

4 **Q. When was your next indication that**
5 **maybe she was having an affair with Rusty**
6 **Hammer?**

7 A. As opposed to anybody else?

8 **Q. When did you suspect that?**

9 A. I suspected it, again, when it was
10 reported to me by my soon to be second wife
11 sometime in 2008.

12 **Q. How did she know?**

13 A. She was informed by [Maryann's] so called
14 best friend in Maine, [Judy], that the
15 affair had been going on. [Judy] also reported
16 that [Maryann] had had an affair with a guy
17 named [Houseguy] and several others.

18 MS. MADORE: And for purposes of
19 this book we call him 'Houseguy.'

20 **Q. Now, how did your second wife get**
21 **involved in this? Isn't it true you went**
22 **directly to [Judy] and talked to her about this?**

23 A. No, I didn't. [Second wife] had mentioned
24 to me, they became pretty friendly, [Judy] was

1 really disenchanted with [Maryann] at this time.

2 **Q. When did [Second wife] meet [Judy]?**

3 A. I don't recall exactly. I think she
4 met her for the first time probably sometime in
5 late 2007. I am not exactly sure.

6 **Q. Weren't you getting these stories**
7 **from [Judy] in March and April?**

8 A. Of 2008. [Judy] was confirming things
9 to me which I followed up with it. [Wife] had
10 reported to me and [Judy] would confirm it.

11 **Q. Are you saying at that time in March**
12 **and April, you were with [Wife] and she was**
13 **talking to [Judy]?**

14 A. March and April of what year?

15 **Q. 2007.**

16 A. 2008.

17 **Q. Okay. But you started talking about**
18 **things you were hearing from [Judy] in 2007.**

19 A. Late 2007. I believe the information
20 was first reported to me by [Wife].

21 **Q. Okay. All right.**

22 A. I object to your testimony. It's not
23 a proper question. If you want to tell me
24 things under oath you can do it in your

1 deposition.

2 MS. MADORE: Objection noted.

3 **Q. When did you hire Rusty Hammer to**
4 **work on your divorce? Wasn't it after you**
5 **started to suspect he might be having an affair**
6 **with [Maryann]?**

7 A. [Maryann] assured me it had not occurred.
8 There were a few different legal matters he had
9 been working on. Ironically it was the lawsuit,
10 the small claims lawsuit against your brother,
11 and that was back in March of 2007.

12 **Q. That was for the firm? That was a**
13 **collection account for the firm?**

14 A. My law firm, yes.

15 **Q. All right. And your divorce?**

16 A. He became involved in the divorce
17 right after the judgment came in. We had filed
18 an appeal and he entered his appearance as my
19 attorney. Prior to filing that he filed on my
20 behalf a motion for post judgment relief.

21 **Q. Now, you and [Maryann] had fought**
22 **countless times about this whole Rusty Hammer**
23 **business at this point, hadn't you?**

24 A. No. Other than her assurances, false

1 assurances, to me after Frances reported things
2 to me in February, no. As a matter of fact we
3 went out, the three of us, Rusty Hammer as well,
4 to Federal Jacks in Kennebunk in March and,
5 stupid me ,I paid for the meal for the two of
6 them and me. I had no idea there was actually
7 anything going on.

8 **Q. You had no idea?**

9 A. No, I didn't. I believed [Maryann].

10 **Q. Here you would be arguing with her**
11 **for months over this, whether or not she was**
12 **having an affair with Rusty Hammer, and you are**
13 **letting him handle things on your divorce and**
14 **you are taking him out to dinner. Now, what**
15 **exactly did he handle on your divorce?**

16 A. Well, first of all, your question is
17 false. That is one of your problems. Nothing
18 that you said was true.

19 **Q. And in your many E-mails to me you**
20 **didn't talk constantly about how she was**
21 **cheating on you with Rusty Hammer?**

22 MR. MERRITT: Objection. Your
23 asking 'in many E-mails' is extremely vague.
24 I don't know how he can answer this.

1 A. If you want to show me some E-mails
2 feel free.

3 **Q. We will do that. Your testimony is**
4 **'no,' you didn't fight with her about this Rusty**
5 **Hammer thing before the judgment came in?**

6 A. We had arguments and disagreements
7 but I had accepted, as best as I recall, her
8 heartfelt assurances that there had been
9 nothing going on nor would there be anything
10 going on with Rusty Hammer. This was back in,
11 like I said, late January early February of 2007,
12 so no.

13 **Q. The divorce judgment came in in July,**
14 **correct?**

15 A. Yes.

16 **Q. Okay.**

17 A. And I had instructed [Rusty Hammer] to
18 assist in suing your brother in March of 2007.

19 **Q. All right. What did he work on?**
20 **What did he do for you?**

21 A. Is this in your book? Is this
22 relevant?

23 **Q. It is relevant.**

24 A. Tell me where it is in your book.

1 **Q. It's there. I am not going to waste**
2 **time.**

3 A. I am not going to answer the
4 question.

5 **Q. Your objection is on the record.**
6 **Answer the question.**

7 A. No.

8 **Q. What did he do?**

9 A. No.

10 **Q. I don't need any client/attorney**
11 **privilege thing, just basically what did he do?**

12 MR. MERRITT: That is privileged
13 and I object under privilege.

14 **Q. In vague terms I am asking the**
15 **question.**

16 MR. MERRITT: Don't answer it
17 because it is absolutely privileged.

18 A. Right. It is.

19 **Q. Did he handle a fourth of it?**

20 A. A fourth of what?

21 **Q. Of your divorce. Didn't you have an**
22 **attorney handle your divorce?**

23 A. [Rusty Hammer] handled the post judgment
24 aspect of my divorce until he ceased to work at

1 my firm.

2 **Q. And what wrongdoing did the Bar of**
3 **Overseers cite Rusty Hammer for?**

4 A. I believe it's fairly clear they
5 found a conflict of interest in violation of his
6 attorney/client obligations to me.

7 **Q. Do you keep a black list of lawyers**
8 **you don't like?**

9 A. No.

10 **Q. No black list? You never wrote**
11 **anything about a black list?**

12 A. I don't recall that. I have no such
13 thing.

14 **Q. Now, you have gone to great lengths**
15 **to make sure everyone knows about [Maryann's]**
16 **sexual, adulterous behavior; have you not?**

17 A. I don't know how to answer your
18 question. What I do know is I frankly thought I
19 had washed my hands of her come early 2011.

20 **Q. From 2003 to present, have you talked**
21 **about this a lot; her sexual adulterous**
22 **behavior? Have you talked about this a lot?**

23 MR. MERRITT: I object to the
24 question. I don't know what a lot means.

1 **Q. In general terms would you say you**
2 **talk about it a lot?**

3 MR. MERRITT: I object to every one
4 of those as general terms.

5 **Q. The focus of all your blogs, isn't**
6 **[Maryann] the focus of your E-mails, [Maryann], her**
7 **family, her ex-husband?**

8 A. Do you want to show something to me
9 specifically?

10 **Q. No. We are not going to spend a lot**
11 **of time.**

12 MR. MERRITT: I object. He can't
13 answer when you are not explaining to him.
14 If you present something in front of him
15 that leads to discoverable material I will
16 direct him to answer.

17 **Q. Have you discussed [Maryann's] sexual life**
18 **20 times a year?**

19 A. No.

20 **Q. Okay. Have you discussed it with her**
21 **family?**

22 A. Who is her family?

23 **Q. Her mother, brother, father. Have**
24 **you ever discussed her sex life with any of**

1 **those people?**

2 A. I believe on one occasion, after we
3 were separated.

4 **Q. I am looking for a yes or no.**

5 A. I am thinking. I think that the
6 answer would be yes on one occasion.

7 **Q. Her ex-husband?**

8 A. I don't recall discussing her sex
9 life with him. It's possible. I don't know.
10 What does this have to do with ethics? I was
11 not her attorney anymore. What I knew and
12 observed in my private relationship has nothing
13 to do with it.

14 **Q. I am getting to it. Her in-laws?**

15 A. I frankly don't recall.

16 **Q. Her boyfriend? Old boyfriends?**

17 A. Old boyfriends?

18 **Q. Um-hum. Have you talked to them**
19 **about her sex life?**

20 A. I only know about one old boyfriend,
21 Carmine.

22 **Q. Did you talk to him about her sex**
23 **life?**

24 A. I can't recall.

1 **Q. Did you talk to her new boyfriend?**

2 A. This is a continuing objection to
3 relevance about the book.

4 **Q. Go ahead. Your objection is noted.**

5 A. You are not going to get an answer
6 until you explain the relevance.

7 **Q. Have you, in fact, talked about her**
8 **sex life to more than 40 attorneys in Maine?**

9 A. Not to the best of my recollection.
10 And the objection continues. What is the
11 relevance of this?

12 **Q. All right. Is it fair to say you**
13 **discussed her adulterous behavior with anyone**
14 **who would listen? Is that fair to say?**

15 MR. MERRITT: It's kind of
16 difficult to deal with adulterous behavior.

17 MS. MADORE: He talks about her
18 adulterous behavior.

19 MR. MERRITT: Where? Show me. You
20 have not presented any E-mail or any blogs.

21 MS. MADORE: Okay. Just to name
22 one: Exhibit 2: "Like you, I directly and
23 indirectly, my wife, children, and many
24 others affected by my resultant ordeals am

1 also a victim of the sexual, adulterous
2 prowess and charms and subsequent bar
3 complaint of your former patient, [Maryann]."
4 Okay? He says things like that.

5 MR. MERRITT: If you want to ask a
6 question about some particular blog that he
7 has or if he has ever done that I will
8 direct him to answer. It's extremely
9 difficult when it's that broad.

10 MS. MADORE: I am just asking him
11 has he spoken out about her adulterous
12 behavior.

13 MR. MERRITT: And that is a good
14 question.

15 **Q. Have you spoken out in anger about**
16 **her adulterous behavior?**

17 A. I have spoken out. I don't know that
18 I did it in anger but I have spoken out.

19 **Q. Are you an adulterer?**

20 A. I am not going to answer this
21 question. It's not relevant.

22 **Q. It is relevant.**

23 A. How is it relevant? Is there
24 something in that book?

1 **Q. Yes.**

2 A. What ethical rule is it relevant to?

3 **Q. It shows harassment.**

4 A. Tell me a rule.

5 **Q. It shows your harassment of her. It**
6 **shows that the rules apply to others and not you.**
7 **It is clear cut. I am not going to argue it with**
8 **you.**

9 A. Let's be clear. I have not written a
10 book about you.

11 **Q. The book talks about your adulterous**
12 **behavior and hypocrisy and you say that these**
13 **are lies and misrepresentations.**

14 A. Tell me what rule renders alleged
15 adultery the question of an attorney's ethics.
16 Show me the rule.

17 **Q. Remember this letter, this 25 page**
18 **letter that is Exhibit 7--it's already entered?**
19 **You talk about it in your former deposition with**
20 **Mr. Scott Gleason. Do you remember it?**

21 A. I recall. Yes.

22 **Q. Okay. And you wrote this to Bill?**

23 A. Yes.

24 **Q. And you are talking about some of**

1 **your sexual life and [Maryann's] sexual life.**

2 MERRITT: Objection. Do you
3 have a question or would you like to
4 testify?

5 MS. MADORE: I am giving the
6 background.

7 MR. MERRITT: We don't need a
8 background. We need a question.

9 MS. MADORE: He is wanting
10 relevance.

11 MR. MERRITT: Make an offer of
12 proof.

13 MS. MADORE: I am making an offer of
14 proof.

15 A. Cite the rule.

16 **Q. I am not citing anything.**

17 A. Then it's not relevant.

18 **Q. Yes, it is.**

19 MS. MADORE: Here is my answer to
20 his request for proof of relevance on the
21 issue of adultery and morality. This is a
22 quote from this man in a letter to a
23 complete stranger: "I have not condoned
24 and cannot condone what [Maryann] has done and I

1 have no doubt at this point that she should
2 no longer have custody of those children.
3 In fact, two weeks ago I presided over a
4 child custody trial in which the mother
5 reminded me of [Maryann], left the father for a
6 series of extracurricular relationships
7 causing him to be become an alcoholic. I
8 ultimately told the mother to her face that
9 I felt that she was dishonest,
10 manipulative, loose and in need of
11 parenting courses to promote effective
12 co-parenting communication and cooperation
13 and I denied custody to her, even though
14 she, like [Maryann], does love her kids and is
15 otherwise a good mother to her children.
16 The parallels in my mind were incredibly
17 striking in that case. The mother even
18 looked a little bit like [Maryann] and the
19 father looked a lot like [Ex]. I will never
20 understand why things did not work out
21 between Lynn and me."

22 **Q. Does that answer your question?**

23 A. No.

24 **Q. Okay. Well, we have addressed the**

1 **issue of relevance, now answer the question.**

2 **Are you an adulterer?**

3 A. You haven't answered the question.
4 Why is adultery a violation, an ethical
5 violation?

6 **Q. It's not the adultery. It's the**
7 **duplicity--it's the hypocrisy--no judge**
8 **should feel above the rules and that everybody else**
9 **has to play by the rules except him. That is what**
10 **it's about.**

11 A. Again, unless you can cite a judicial
12 cannon or a bar rule.

13 **Q. I am not citing shit. Okay? How**
14 **about that?**

15 MR. MERRITT: That certainly is not
16 behavior we need to be subjected to. You
17 can certainly ask the questions. I am not
18 going to tolerate being sworn at in my
19 office.

20 **Q. I am going to ask you a question.**
21 **Are you saying that me asking you, to your face,**
22 **in a deposition, 'are you an adulterer' is**
23 **harassing, but you telling everybody in the**
24 **world that [Maryann], a private citizen, is an**

1 **adulterer is not harassing?**

2 A. Let me see if I can help you and make
3 a little thing clear for you. If [Maryann] feels
4 that in any way a legal wrong has occurred that
5 I have committed she, not you, has standing to
6 take action.

7 **Q. Just answer my question.**

8 A. Stop interrupting me.

9 **Q. You are not answering.**

10 A. Stop interrupting. You are doing it
11 again. If she has any claim she can pursue it.
12 The fact she that has not pursued any such claim
13 ends that issue. For you to be running around
14 making claims that implicate alleged violations
15 of judicial conduct or bar rules, and in many
16 instances, states outright false things is a
17 different animal. I would not be publishing a
18 book about you even about things that are true.
19 All right. Because you are frankly not worth
20 it. But the fact of the matter is that --

21 **Q. Are you done with your speech yet? I**
22 **don't want a speech.**

23 A. Stop interrupting me.

24 **Q. This isn't a speech.**

1 A. If I did publish anything about you, I
2 would make very sure it did not violate any law
3 and you would then have a right to complain
4 about it and take legal action.

5 **Q. Okay. And are you an adulterer?**

6 A. I am not answering the question
7 because you still have refused to identify what
8 judicial cannon or bar rule is implicated by
9 whether I am adulterer.

10 **Q. The question is not adultery. Nobody**
11 **cares if you committed adultery 1,000 times.**

12 A. Why are you asking?

13 **Q. It's about the hypocrisy and duplicity of**
14 **Judge Nadeau, and how he thinks about things, how**
15 **he sees the truth, how he sees facts, how he is**
16 **going around blaming everybody else but he can**
17 **play by a different set of rules. That is the**
18 **ethics of Judge Nadeau. That is why it goes to**
19 **the ethics. That is why I am asking you. Not**
20 **because I care whether you commit adultery or**
21 **not. So this speech that you have just given is**
22 **nice but any judge would see you are not**
23 **answering the question. You are not being**
24 **responsive. I am fighting for every answer.**

1 **I am asking you a simple question.**

2 **Are you an adulterer?**

3 A. First of all everything included in
4 your question is compound and contains
5 assertions that are not fact and therefore your
6 question is improper.

7 **Q. I am asking the question 'are you an**
8 **adulterer?'**

9 A. It is still not relevant.

10 **Q. It is relevant. You can object. You**
11 **can have it removed later.**

12 A. We do know that while I was still
13 married to my first wife [Maryann] and I, while she
14 was still married to her husband, were engaged in
15 an extra marital affair--as the majority of
16 persons are.

17 **Q. Now the majority of persons are doing it?**

18 A. Statistics. That is right. And it
19 may be that you have too. I don't know. I
20 really don't care.

21 **Q. So now it's normal behavior?**

22 A. It's not abnormal behavior. And more
23 to the point, if you focus on the litigation more
24 to the point you still have cited nothing that

1 says that it's wrong. As a matter of fact, it's
2 the Supreme Judicial Court's opinion that makes
3 it clear that having sex with someone else is
4 not, per se, a violation of any ethical rule.

5 **Q. I understand that.**

6 A. No, you don't want candid
7 information.

8 **Q. This is not about the adultery. This is**
9 **about hypocrisy and duplicity and the rules**
10 **don't apply to you. That is what it's about.**
11 **And that is ethics. Whether you see it or not,**
12 **it's ethics. Okay? You think that way.**

13 A. Again I move to strike your speech.
14 And frankly what you are saying is the epitome
15 of hypocrisy.

16 **Q. All right. Okay. So how many times**
17 **have you been married?**

18 A. Why is that relevant?

19 **Q. How many times?**

20 A. Twice.

21 **Q. Okay. And you committed adultery on**
22 **both of them; isn't that right?**

23 A. No.

24 **Q. You didn't commit adultery on your**

1 **second wife?**

2 A. No.

3 **Q. You didn't have an affair with [Maryann]**
4 **and talk about the affair, in an E-mail,**
5 **on your second wife?**

6 A. No. I never had any relations with
7 [Maryann] when I was married to [Wife]. Never.

8 **Q. You didn't write in an E-mail and**
9 **testify in the last deposition that you actually**
10 **moved back in with [Maryann] for a while?**

11 A. [Wife #2] and I were not married then.
12 [Maryann] and I moved in again. One of the
13 fundamental problems--you have a spacial
14 problem, you have a tough time focusing on dates
15 and keeping things in chronological order.

16 **Q. There is a lot going on.**

17 A. Maybe to you there is.

18 **Q. There isn't for you? Okay.**

19 A. Why is this such a joke for you?

20 **Q. At some point, did you cheat on the**
21 **woman you ended up marrying for your second**
22 **wife? Did you cheat on her at any point in your**
23 **relationship?**

24 MR. MERRITT: Objection. One issue

1 is that there is nothing in the law as to
2 what cheating is.

3 MS. MADORE: All right.

4 MR. MERRITT: You need to define
5 cheating.

6 **Q. In fact, weren't you the first one to**
7 **introduce cheating into your relationship with**
8 **[Maryann]? And by cheating, what I mean is bringing**
9 **other people into the relationship. Weren't you**
10 **the first one to do that?**

11 MR. MERRITT: Bringing other people
12 into the relationship in what context?

13 MS. MADORE: Seeing other people.
14 Dating.

15 A. I have no idea what you are asking.

16 **Q. How could it be simpler? Aren't you**
17 **the one that introduced infidelity into the**
18 **relationship between you and [Maryann]?**

19 A. We were both married.

20 **Q. No. No. No. No. No. Between you**
21 **and her. You were the first to strike, correct?**

22 A. When? When are you talking about?

23 **Q. The answer is yes or no.**

24 A. I have no idea what you are asking.

1 **Q. Perfectmatch.com. Did you sign up on**
2 **an on-line dating site?**

3 A. After I learned about what Miss
4 Linderman reported concerning [Rusty Hammer]
5 and [Maryann] had not been coming home all night
6 long on many occasions, not until 3 in the morning,
7 yes, I decided there must be something better so
8 I went on-line. She was actually involved in
9 those kinds of activities.

10 **Q. Actually, didn't you write in an**
11 **E-mail to me in January -- this happened in**
12 **January, correct?**

13 A. January of what year?

14 **Q. 2007.**

15 A. What happened?

16 **Q. The perfectmatch.com thing.**

17 A. I don't recall.

18 **Q. But it did.**

19 A. Objection.

20 **Q. Okay. So if it happened in January,**
21 **didn't it actually predate all these other**
22 **things you are talking about? And, in fact,**
23 **didn't you write about that in an E-mail and you**
24 **apologized to me for your treatment of her?**

1 MR. MERRITT: I don't want to keep
2 interrupting you. I really don't. You are
3 asking him compound, two part questions. You
4 are asking him two questions at the same
5 time.

6 MS. MADORE: What two questions?

7 MR. MERRITT: Have it read back.

8 MS. MADORE: I don't know that I
9 did. I'm sorry. Would you read it back?

10 (Question read back.)

11 MR. MERRITT: There are two
12 questions. I am going to keep objecting
13 when you do that.

14 **Q. So this perfectmatch happened in**
15 **January of 2007, correct?**

16 A. I don't know. It was January or
17 February of 2007.

18 **Q. Okay. And, in fact, didn't that**
19 **perfectmatch predate House Guy and Rusty Hammer?**
20 **Didn't it predate all of that?**

21 A. I don't know when she first became
22 involved with [Houseguy], the person you refer
23 to as Houseguy, so I can't say it didn't
24 precede her involvement with him. I knew things

1 were very wrong because she was not home. My
2 recollection is that it did not precede
3 [Rusty Hammer].

4 **Q. Okay. And if I were to tell you the**
5 **E-mails would show the Frances Linderman, that**
6 **situation, happened afterwards --**

7 A. Can you show me a document?

8 **Q. I don't have it with me. How long**
9 **were you a member of that on-line dating site,**
10 **perfectmatch.com?**

11 A. Three or four days. [Maryann] found out
12 about it quickly. What I didn't realize is that
13 by discontinuing its use it still remained
14 posted for a while.

15 **Q. Where did you meet your second wife?**

16 A. After [Maryann] pulled the stuff in late
17 July 2007 I rejoined perfectmatch.

18 **Q. You met her on perfectmatch?**

19 A. Within a few days, yes. August.

20 **Q. In mid-July you joined up again?**

21 A. No. Early August.

22 **Q. In August you joined up again. Okay.**
23 **In mid July 2007, you claim [Maryann] broke off**
24 **your engagement when she saw your divorce**

1 judgment. Is that what happened?

2 A. Yes.

3 Q. During that same month, weren't you
4 already in another relationship?

5 A. No.

6 Q. Hadn't you already been discussing
7 this wonderful woman who adored you by the third
8 week in July?

9 A. No. I may have rejoined perfectmatch
10 the end of July, but it was around the end of
11 July early August.

12 Q. So you were already in a relationship
13 with [Wife] at the time this divorce judgment
14 came in, correct?

15 A. No.

16 Q. All right.

17 MS. MADORE: Exhibit No. 9 and 10.

18 (Exhibit No. 9 marked;

19 Customer reviews.)

20 (Exhibit No. 10 marked; E-mail.)

21 Q. This is a letter on August 6, 2007
22 and it's to me. And you are talking about what
23 [Judy] told you personally, right?

24 A. You would have to show me the

1 document.

2 Q. It says; "[Judy] told me that [Maryann] is a
3 very bad liar, manipulator and makes her feel
4 very uncomfortable. [Judy] also told me the
5 following things." And you actually enumerate the
6 things. Does that look right?

7 A. (Document examined.) Um-hum.

8 Q. So you write this letter to [Maryann's]
9 ex-husband, trying to talk him into going for
10 child custody because she is such a horrible
11 mother, correct?

12 A. I don't recall. The E-mail speaks
13 for itself.

14 Q. You testified in another deposition
15 that the only reason you contacted him is you
16 were concerned about the kids because she was
17 such a terrible mother. So that is why you were
18 contacting him, right? You didn't do this
19 because you were being malicious. This is
20 something you did out of concern, correct?

21 A. Yes.

22 Q. Okay. And so, just to kind of
23 illustrate, what you say at the end is: "And just
24 so you know, I am already deeply involved in a new

1 relationship with a beautiful blonde nurse, 48,
2 and very normal and fun." Did you write that?

3 A. I did.

4 Q. Okay. Good. All right. So why did you
5 add that sentence, "just so you know?" What did he
6 care if you were in a relationship?

7 A. So he would know I was involved in a
8 different relationship, this was not something
9 that I was hung up on [Maryann]. I moved on. So
10 that is why I did that.

11 Q. Right. You wanted him to know you
12 weren't being malicious?

13 A. No. I was concerned about their
14 children. As I said I had joined perfectmatch.
15 Based on that E-mail, I have must joined it by
16 the end of July, after you and [Maryann] pulled
17 your stuff.

18 Q. And you were deeply involved with
19 somebody after a week?

20 A. We hit it off really fast.

21 Q. Faster than you and [Maryann]?

22 A. Yes.

23 Q. Really? Okay. And this woman you are
24 telling him about; she is a very nice woman,

1 **wouldn't you say?**

2 A. Yes.

3 **Q. And she adored you from how you**
4 **describe her, right?**

5 A. Yes.

6 **Q. Did she ever tell you that she and**
7 **her friends thought you were 'drop dead gorgeous?'**

8 A. Yes.

9 **Q. Did even her daughter's high school**
10 **friends talk about how handsome you were?**

11 A. Yes.

12 **Q. Did they all talk about what a**
13 **magnificent body you have?**

14 A. There was some discussion about that.

15 **Q. So this woman even called you her**
16 **Chippendale, didn't she?**

17 A. She did, yeah.

18 **Q. And she was supportive too, wasn't**
19 **she?**

20 A. She was.

21 **Q. Did she give you money to help pay**
22 **back those missing client funds from your**
23 **account?**

24 A. She loaned me money.

1 **Q. Did she buy you a Lexus?**

2 A. First of all that money didn't happen
3 until that February of 2008.

4 **Q. I am just saying, while she was your**
5 **girlfriend or wife, whatever she was, she**
6 **supported you with the client funds thing,**
7 **right?**

8 A. She made a loan that was repaid with
9 interest, yes.

10 **Q. And that loan was used for client**
11 **funds?**

12 A. 2008. Yes. She restored a client's
13 trust account to where it needed to be.

14 **Q. Did she buy you a Lexus?**

15 A. She made a down payment on a Lexus
16 as a gift and then I took on the payments. The
17 vehicle was mine.

18 **Q. When did you marry her?**

19 A. [Wife #2] and I were married on December
20 31, 2008.

21 **Q. Okay. And are you still married?**

22 A. No.

23 **Q. You cheated on her, right? Did you**
24 **cheat on her?**

1 A. Not while we were married.

2 **Q. But you did cheat on this wonderful**
3 **new girlfriend you met who loved you so much,**
4 **right?**

5 A. Soon after I met [her], [Maryann] found out
6 about [Wife #2] and made efforts to reconnect with
7 me. And that was emotionally difficult for me.
8 And for a while, for the next few months, I was
9 torn back and forth between.

10 **Q. Was [Maryann] torn, or just you?**

11 A. Oh, [Maryann] was clearly torn too. She
12 was the one who initially tried to reconnect
13 with me after learning about [Wife #2].

14 **Q. But you are talking about her**
15 **morality, her conduct, saying; 'this is so soon,**
16 **look what she is doing, this is unstable,' and**
17 **you are doing all this.**

18 A. As I recall, she attempted to get back
19 with me in September or early October of 2007.

20 **Q. But you attack her morality. You**
21 **think she was immoral, correct?**

22 A. Yes. But I was hopeful that might
23 change.

24 **Q. You didn't see anything in your**

1 **behavior that might be considered immoral?**

2 A. My personal behavior during that time
3 was with respect to relationships with, first of
4 all, how I left [Wife #1] for [Maryann], and later
5 went into my relationship with [Maryann], how I
6 called it off and that was the last thing I
7 wanted to do.

8 **Q. I am looking for a yes or no. Is**
9 **there any question about your morality?**

10 A. Well, I am answering the question.
11 All of these things caused me--in retrospect I
12 wish I had done things differently. The way I
13 handled things was not the best way to handle
14 those things. And later on, after [Maryann] and I
15 reunited, that ended things with [Wife #1] for
16 the last time in 2005. Again, in retrospect, not
17 the best way to do it. But at the time it
18 seemed that was the way it had to be done. But
19 in retrospect, it should have been done
20 differently.

21 **Q. Okay. I think you have answered.**
22 **Now, you have also attacked my morality, haven't**
23 **you?**

24 A. I don't know that. I certainly don't

1 appreciate the contents of your book and related
2 E-mails.

3 **Q. Before the book, you were writing in**
4 **your E-mails about what a disgusting, horrible,**
5 **deceitful, despicable person I am, weren't you?**

6 A. I do recall that I felt that you had
7 lied to me and were dishonest about the promises
8 of payment concerning your brother's case.

9 **Q. That is all you said?**

10 A. Before that occurred I don't recall
11 that I had any particular problems with you. But
12 as time went on, certainly with the litigation
13 that resulted, it became very, very clear to me
14 that you were not an honest person.

15 **Q. Right. But before that, you are saying**
16 **you never questioned my morality, my need to go**
17 **out hanging around in disco bars and stuff? You**
18 **never talked about this with anybody?**

19 A. It had become clear to me you had
20 concealed [Maryann's] activity. And one of those
21 things actually related to the news about [Rusty
22 Hammer]. Because I was aware of that, I would
23 get the credit card bills. I allowed [Maryann] to
24 use my credit cards. And I learned she was

1 taking [Rusty Hammer] out to places including The
2 Rusty Hammer restaurant and that was on my credit
3 card bill.

4 **Q. When was that?**

5 A. From what I recall that was in the
6 spring of 2007. So I had concerns that you were
7 not unaware of what was going on. And you had
8 claimed that [Maryann] was your best friend so it
9 seemed logical at that point you were condoning
10 what was clearly becoming a pattern of behavior
11 which suggested that maybe you were in some way
12 like that.

13 **Q. Suggested it--but then you write it as**
14 **fact later, don't you?**

15 A. Do you want to show me a document?

16 **Q. It's coming. Trust me.**

17 A. Show me a document.

18 **Q. Well, wait. That night in**
19 **San Francisco when you left [Maryann] in a bar with**
20 **no money --**

21 A. Why don't we take a break.

22 (Recess.)

23 **Q. So that night in San Francisco when**
24 **you left [Maryann] in a bar; was she drunk?**

1 A. Yes.

2 **Q. Can you, please, put your cell phone**
3 **away.**

4 A. Yes, she was.

5 **Q. She was drunk. Okay.**

6 A. She was not drunk when I left, no.

7 **Q. She was not drunk? This was the**
8 **second bar you had been to, correct?**

9 A. I had not seen her for over an hour
10 by the time I left so I don't know.

11 **Q. I am asking you if she was drunk or**
12 **not; yes or no?**

13 A. I think I answered your question.
14 While we were there she was drinking. But we
15 both had a drink.

16 **Q. This was a martini bar?**

17 A. More or less. It was a club.

18 **Q. And she had two drinks before she**
19 **went to the bathroom? Two martinis?**

20 A. I don't recall. She might have. She
21 might have ordered a second one.

22 **Q. This is the second place you had been**
23 **to that night, correct?**

24 A. Yes. But she seemed fine at the

1 time. And, by the way, I don't know where she
2 went.

3 **Q. I am not asking you that.**

4 A. You are missing the point in your
5 question.

6 **Q. So that night in San Francisco, you**
7 **had been out to dinner, correct? You said she**
8 **was a heavy drinker. Did she drink at dinner?**

9 A. We went out to dinner. We shared a
10 bottle of wine.

11 **Q. Okay. You also did maintain that she**
12 **drank more than you, correct?**

13 A. She definitely drank at least as much
14 as me, yeah.

15 **Q. She probably had half a bottle of**
16 **wine and two martinis so she was probably tipsy,**
17 **would you say?**

18 A. I am not adopting that. In answering
19 your question no, she was not tipsy. She
20 exhibited no signs of this. It was over the
21 course of several hours. We had food with the
22 wine.

23 **Q. All right. So you are saying she was**
24 **not drunk?**

1 A. She was not. She was fine.

2 **Q. You are saying she disappeared for an**
3 **hour. Where did she say she was going?**

4 A. She said she was going outside for a
5 smoke with a couple of people we had met at the
6 bar. That is what she said.

7 **Q. What did you do during that hour she**
8 **was missing?**

9 A. Waited at the bar for her to return.

10 **Q. Did you go anywhere?**

11 A. No. Well, about 45 minutes into it I
12 went outside looking for her and I didn't find
13 her anywhere.

14 **Q. So you left?**

15 A. Then I went back in the bar and
16 looked for her. I walked through the entire bar
17 including in the rest room area, I could not
18 find her anywhere.

19 **Q. Okay. Then what did you do?**

20 A. I then went home. I didn't know
21 where she was. I thought maybe she had thought
22 that I had left and had gone back to the hotel
23 room.

24 **Q. By 'home' you mean hotel?**

1 A. I mean back to the hotel.

2 **Q. Now, you went back to the hotel.**

3 **Were you worried about her or were you angry?**

4 A. I was worried about her until I got
5 back to the hotel and, when she was not there, I
6 was angry because it was clear to me that she
7 was not honest with me and she really did not
8 plan to be with me and she had gone off
9 somewhere.

10 **Q. So she was not in the bar and she was**
11 **not in the hotel and you were not worried that**
12 **she was dead, or kidnaped, raped, or**
13 **somewhere, or something?**

14 A. Look, [Maryann] had already demonstrated a
15 pattern of coming home very late at night or not
16 at all and she would come home on occasion and
17 be blitzed so, no, I was not worried. She was
18 someone who was able to take care of herself.

19 **Q. Okay. So we talked about how she goes**
20 **out so late at night all the time. This is back**
21 **in January?**

22 A. I didn't say all the time but there
23 were several occasions.

24 **Q. Okay. So she went out. The fact is**

1 she went out one night in January, early
2 January, she went out and then next morning she
3 found your perfectmatch profile on the computer;
4 is that right?

5 A. I don't recall when that happened but
6 I know it was in association with this. Yeah,
7 she had gone out. There was association with
8 her regularly going out very late using you as a
9 ruse, saying she was going to spend time with you
10 and on and on and on.

11 Q. You know perfectly well none of that
12 is true. You are just trying to incorporate
13 anything you can think of into this record. Now
14 I asked you a very specific question. Did she
15 go out one night and come back and the next
16 morning--when she came back that night--the next
17 morning she found your perfectmatch thing up on
18 the computer; isn't that what happened?

19 A. She came home one night, I don't know
20 when, and found the perfectmatch thing, yes.

21 Q. And her mother was there, correct?

22 A. Yes. And she was out very late.

23 Q. Just yes or no, is that correct?

24 Because the truth is, at that point in your

1 **relationship, [she] didn't go out at night unless**
2 **her mother was there to watch the kids, did she?**

3 A. No. Even when her mother was there I
4 was watching the kids because her mother was
5 off. In the house that I owned there was a
6 separate in-law apartment over the garage, she
7 would go out into the garage area. So her
8 mother was staying there, I was in the main part
9 of the house with the children. I was watching
10 the children.

11 **Q. Okay. All right. Were you aware that**
12 **[Maryann] checked perfectmatch.com for months after**
13 **that morning after she discovered your profile?**

14 A. I had no idea.

15 **Q. Were you aware that [Maryann] E-mailed**
16 **me periodically, with updates you had made to**
17 **your profile?**

18 A. Again, I don't understand what the
19 relevance of this is so I am objecting. The fact
20 of the matter is I object to relevance. I will
21 answer your question. The answer is no, I was
22 not aware of those things. No, I don't believe
23 I updated anything. I was not involved with
24 that thing after [Maryann] first discovered it

1 three days after I joined it. I thought I had
2 terminated it. I was not paying into it
3 anymore.

4 **Q. You were not aware that [Maryann] was**
5 **E-mailing me these things and agonizing over**
6 **your continued activity on perfectmatch.com?**

7 A. If you have some evidence to that
8 effect.

9 **Q. I do.**

10 A. Well, then show it. Otherwise I don't
11 accept your question.

12 **Q. Okay. At that same time, during that**
13 **time while she was agonizing over this, were you**
14 **aware that she had begun a search for affordable**
15 **housing so she could leave you?**

16 A. According to her, that is what she was
17 doing with respect to her communicating with
18 your friend [Houseguy] in February.

19 **Q. So you were aware? Is that yes?**

20 A. I was aware of that. I was aware of
21 some interest on her part to live elsewhere as
22 early as February. But then, of course, she
23 assured me right after that there was nothing
24 going on between her and [Houseguy] and she

1 wanted to be with me.

2 **Q. Were you aware that [Marynn] was afraid**
3 **of you by this time, that she was afraid of what**
4 **you might do to hurt her or retaliate against**
5 **her if she told you that she was planning to**
6 **leave you?**

7 A. No. And that is just ridiculous.

8 **Q. So that morning when [Maryann] found your**
9 **profile on the computer, what was her response?**

10 A. She was upset.

11 **Q. Upset. Was she crying?**

12 A. Not really. She was volatile and she
13 was angry.

14 **Q. Did she scream?**

15 A. Yes.

16 **Q. She didn't cry?**

17 A. Not that I observed. She was just
18 screaming.

19 **Q. Was she throwing things?**

20 A. I don't recall. It's possible.

21 **Q. Would you describe it as 'devastated?'**
22 **Was she devastated?**

23 A. She stated that she couldn't control
24 all her guys at the same time. But I wouldn't

1 say that it was devastating in terms of me
2 personally. I think it was more about her than
3 me.

4 **Q. Was it in late February when you**
5 **discovered her E-mail to House Guy?**

6 A. I believe that is correct. Yes.

7 **Q. Over a month after you went on**
8 **perfectmatch.com, right?**

9 A. Yes.

10 **Q. And now she started to go out, she**
11 **was sick of it, she started to go out now,**
12 **right?**

13 A. Not true. She had been going out.
14 She would come home very late at night a year
15 earlier when we were still living in Wells. I
16 recall one time having to pay \$75 for a taxi to
17 get her back, drunk from Hampton Beach in the
18 summertime in 2007 where she was supposedly
19 spending time with, I believe it was your
20 brother and friends of yours at Hampton Beach.
21 She would come home extremely late at night for
22 a long time.

23 **Q. All right. So [Maryann] going out**
24 **justified you in going on perfectmatch.com;**

1 **is that correct?**

2 A. It was very clear to me that she was
3 not seriously interested in me and that she was
4 just manipulating me.

5 **Q. But her finding out your activity**
6 **seeking out other women on-line does not justify**
7 **her contacting a guy about a house?**

8 A. I don't know what it justifies. What
9 she does know is that I went off that
10 perfectmatch three days, as I testified, after
11 and you can say no I didn't but I know that I
12 did three days after I had joined it because she
13 was so upset and because I felt that she was
14 sincere that she just wanted to be with me and
15 she was going to stop staying out late at night.
16 But she didn't.

17 **Q. And you say you don't know, she**
18 **didn't bring it to up to you that she saw your**
19 **continuing activity on that site?**

20 A. I am trying to answer your question.
21 I learned, as you know, when I went back on
22 perfectmatch in July 2007 and met [Wife #2] and
23 more recently, when I joined a dating site after
24 [Wife #2] and I were divorced, I learned that just

1 cancelling your membership does not take the
2 profile down. So although I had cancelled my
3 membership I was not aware that the profile may
4 still have been up.

5 **Q. Bob, isn't it true that she actually**
6 **contacted one of your women you were contacting**
7 **on there to tell them; 'this guy is engaged to be**
8 **married?' Isn't that true? Finally, she got so**
9 **sick of it she actually contacted one of the**
10 **women you were contacting?**

11 A. Miss [Madore], that was during the three
12 days in early February when that happened.

13 **Q. Okay. And you claim things got**
14 **flirtatious between [Maryann] and Houseguy; is that**
15 **correct??**

16 A. Yes.

17 **Q. You found an E-mail where they were**
18 **discussing some kind of a meeting they had;**
19 **is that right?**

20 A. Yes.

21 **Q. And [Maryann] was thanking him for being a**
22 **'sweetie pie' and so forth; all that, is that what**
23 **you heard?**

24 MR. MERRITT: Objection to the

1 form of the question.

2 **Q. So you found it inappropriate?**

3 A. Yes. Obviously the E-mail contained
4 a lot more.

5 **Q. This whole time your profile is still**
6 **active on perfectmatch.com?**

7 A. If it was that was without my
8 knowledge.

9 **Q. In your profile did you describe**
10 **yourself as 'single and loyal'?**

11 A. Again, I don't know. Other than a
12 woman who is angry I don't understand why this
13 is relevant.

14 **Q. Because you bring it up in every**
15 **pleading. Your whole lawsuit is based on the**
16 **fact that we are a couple of sluts, so that is why**
17 **it's relevant.**

18 A. You might want to ask me what this
19 lawsuit is about.

20 **Q. I didn't ask you that.**

21 A. Because these questions you are
22 asking are really just trashing.

23 **Q. Does is make you uncomfortable?**

24 **Is that how you describe yourself as being**

1 **'single and loyal'?**

2 A. I may have done that and that is
3 true.

4 **Q. Were you single and loyal at that**
5 **time?**

6 A. I was single and I wanted to be
7 loyal. I wanted to be in a loyal, committed
8 relationship. It was clear that [Maryann] was not
9 delivering that.

10 **Q. Okay. So is your profile on**
11 **perfectmatch.com cheating? Is that cheating?**

12 A. Again, this is irrelevant. The
13 answer is I was single. She was single. We
14 were simply, obviously, not meant to be together
15 at that point, although I foolishly wanted to get
16 back with her.

17 **Q. Why did you get so upset months later**
18 **about this Houseguy thing then? She is single. You**
19 **are single. All is fair in love and war.**
20 **Why did you get upset?**

21 A. Because [Maryann] assured me with the
22 [Rusty Hammer] news that she wanted to
23 remain with me and that she wanted to marry me
24 and continued to wear her ring.

1 **Q. Was she wearing her ring when you**
2 **went on perfectmatch.com?**

3 A. I don't recall. She may have been.
4 But the fact of the matter is that even though
5 she wore her ring it didn't mean that she was
6 being loyal. She clearly wasn't.

7 **Q. After your found Houseguy's E-mail,**
8 **did you E-mail [Maryann's] parents and her**
9 **ex-husband and in-laws, and tell them all she was**
10 **prostituting herself? Did you do that?**

11 A. I don't recall.

12 **Q. Do you remember ever saying she was a**
13 **prostitute?**

14 A. Is that in the book?

15 **Q. Do you remember ever saying she was a**
16 **prostitute?**

17 A. I am not answering your question
18 because it's not in the book.

19 **Q. Did you ever say that she was a**
20 **prostitute, yes or no?**

21 A. I am not answering that.

22 **Q. Your objection is noted. Kindly**
23 **answer the question.**

24 A. No.

1 **Q. After the Houseguy thing, you didn't**
2 **E-mail the lawyers in your office and say she**
3 **was a prostitute?**

4 A. I am not answering your question.

5 **Q. Okay. Do you really think you are**
6 **the proper person to be throwing all these**
7 **stones about the morality of other people?**

8 A. This is really just harassing and I
9 am not answering your questions.

10 **Q. You don't see the ethics connection**
11 **to that--the hypocrisy that somebody doing**
12 **these things is actually publicly criticizing other**
13 **people?**

14 A. If you are talking about violations
15 of judicial cannons or rules and you want to
16 specify.

17 **Q. I am talking about ethics and you**
18 **know it.**

19 A. Those are the standards for dealing
20 with ethics. You profess to be knowledgeable.

21 **Q. I don't need a speech. I don't need**
22 **another speech. That is not my question.**
23 **Do you think you are the proper person to be**
24 **throwing stones?**

1 A. I am objecting to your question
2 because you are refusing to identify any
3 judicial cannon or bar rule.

4 **Q. I have identified--**

5 A. Don't yell at me again either or I
6 will leave. You are refusing to identify any
7 provision of the judicial cannon or bar rules
8 that implicate what you are asking me about.
9 If you want to ask me about it within the
10 context of a specific cannon or bar rule I will
11 be happy to answer your question.

12 **Q. Fine. Throughout your answers to my**
13 **interrogatories you are talking about how**
14 **defamatory the book is and throughout all of the**
15 **pleadings in this case, do you not, regularly?**

16 MR. MERRITT: Objection to the form
17 of the question.

18 **Q. In your answers to my interrogatories,**
19 **where you are supposed to be talking about**
20 **defamation, are you not talking about our elicit**
21 **behavior?**

22 MR. MERRITT: Objection. Another
23 compound question. Don't answer.

24 **Q. In this defamation case, isn't at**

1 **least 25 percent of the case discussion about**
2 **our elicit behaviors? Is it not? Yes or no?**

3 A. Certainly not in your book. There
4 are issues relating to credibility.

5 **Q. So it's relevant as far as**
6 **credibility. Good. Fine. So if my elicit**
7 **behavior is relevant because of creditability,**
8 **doesn't it stand to reason that yours also is**
9 **relevant?**

10 A. Only with respect to the matters as
11 to defamation and invasion of privacy. And I
12 determine because I am a Plaintiff and I am not
13 saying that everything in this book is totally
14 inaccurate. I am not saying that. What I am
15 saying is that there is a whole lot of
16 distortion. Frankly, as you will see later on
17 in this case, I am not going to worry too much
18 about the distortion. I am going to go after
19 the blatant falsehoods and invasion of privacy
20 that are in here.

21 **Q. Okay. So we are going to move on**
22 **from your adulterous behavior.**

23 A. I object to that.

24 **Q. Chapter 22. When you are talking**

1 **about chapter 22 I am using it as a go by.**
2 **Everything I have brought up in this deposition,**
3 **by the way, are direct responses [to your answers].**

4 MR. MERRITT: Do you have a direct
5 question?

6 MS. MADORE: I am answering an
7 objection.

8 MR. MERRITT: You don't have to
9 answer an objection.

10 A. Ma'am, look, let me just stop for a
11 minute. The reason this very nice court reporter
12 asked us at the very beginning of the
13 deposition --

14 **Q. I know. I'm sorry.**

15 A. The reason that objections, except as
16 to form, would be waived is because all of this
17 other stuff that you are talking about need not
18 be stated.

19 **Q. I am talking about relevance. It**
20 **makes up an enormous part of this case. This is**
21 **going by your answers. This is my go by.**
22 **Everything I talked about this in deposition is**
23 **in direct response to something you wrote in**
24 **this, Bob. Do you see it right here? This is**

1 **my go by.**

2 A. What is the question, ma'am?

3 **Q. I am just answering your objection.**

4 **We are going to talk about the expenses you**
5 **claim it cost you. Okay. So you are talking**
6 **about the hundreds of thousands of dollars that**
7 **[Maryann] cost you.**

8 A. Wait a minute. I don't know that I
9 said a thing in this deposition about that. Are
10 you referring to something I said, ma'am?

11 **Q. Hold on. Let me find it. "As [Maryann]**
12 **is well aware, I had used substantial credit from**
13 **2005 until our split in July 2007 to support her**
14 **and her children and law firm operations,**
15 **including the payment of an unearned salary and**
16 **benefits to her, based on our belief that a**
17 **favorable divorce judgment would be forthcoming**
18 **that would supply me with a property settlement**
19 **enabling me to pay off the related debts." Then**
20 **it goes on about all the debt. All right?**
21 **What were the costs incurred? What did**
22 **[Maryann] cost you?**

23 A. As I testified earlier, [Maryann] had use
24 of several of my credit cards. She used them to

1 go out, to feed her children, to buy things for
2 the house, to take you out and wine and dine
3 you, to take [Rusty Hammer] out. I paid for four
4 mortgages on two homes because the first of the
5 two homes was purchased for her in Wells. She
6 decided it was not quite to her liking. She
7 found a second home that she preferred to own
8 and urged me to go over and look at it. She was
9 already there.

10 **Q. Excuse me. Let's take one point at a time.**

11 A. There were four mortgages that I paid
12 on her behalf.

13 **Q. On her behalf, four mortgages?**

14 A. I would have kept the first house and
15 not taken on two extra mortgages, yes. Okay.
16 But yes. There was that.

17 **Q. I don't understand four. I count**
18 **only two houses.**

19 A. Both mortgages, both homes, to be
20 purchased, to be affordable, had to be financed
21 with equity lines of credit as well.

22 **Q. And you are saying it was her**
23 **decision to buy that second house, it was not**
24 **the flooding?**

1 A. No. We had the flooding in the
2 winter of 2006 to 2007. By the time she was
3 interested in the house elsewhere in Wells
4 several months had gone by. We were very
5 content, I thought, in the first house. The
6 house was a nice house and a fairly expensive
7 house.

8 **Q. It was not your idea to get another**
9 **house? She was not the one saying; 'this house is**
10 **fine?'**

11 A. No. I was driving and she was off
12 with a friend and found this house, a broker
13 friend, and she was asking me on the phone;
14 'honey, can you come on over and look at this
15 house.'

16 **Q. All right.**

17 A. And I was surprised to get a call.
18 Why do we need to look at another house?

19 **Q. And the credit cards you claim you**
20 **gave her, aren't those isolated instances, once**
21 **in a while you would let her use your credit**
22 **cards? Didn't she have to borrow her mother's**
23 **credit cards for household expenses?**

24 A. I learned and kind of had known she

1 was also using her mother's credit cards and she
2 was getting into some difficulty with her
3 parents because she was not paying her bills and
4 her credit cards. I did not know she was doing
5 it, certainly not to the extent she had been
6 doing it.

7 **Q. Let's talk about the 'unearned salary**
8 **and benefits.' Weren't those, in fact, benefits**
9 **to you?**

10 A. No. The benefits were health
11 insurance for her and her children. The
12 benefits were gas money for her vehicle. No,
13 they weren't benefits to me.

14 **Q. Weren't her checks converted over to**
15 **pay the household expenses?**

16 A. No. Her check, I assume, she was
17 using to pay her credit card bills and buying
18 things as well because the deal was that I would
19 pay the various very substantial house costs,
20 taxes, insurance, utilities and that she would
21 take care of clothing for her children and food
22 for the house. She was also separately paid for
23 gas for her vehicle and she was paid a salary
24 even though she was hardly there at work. When

1 she was not at work she was not doing anything
2 of value.

3 **Q. Her paychecks were never converted**
4 **over to household expenses?**

5 A. She would pay for food. She may well
6 have used some of that money to pay for food.

7 **Q. And she didn't pay for utilities?**

8 A. No. I paid the utilities. I paid
9 all the cable bills and all of that stuff. I
10 also paid for her constantly wanting to go out
11 to eat and that was expensive. I paid for that
12 two or three times a week. Women don't
13 understand that. Women usually will have the
14 man pay. They don't understand how this kind of
15 adds up.

16 **Q. Did you have any say in all this--in**
17 **your life? Did you just follow along? Did you**
18 **have any say in the household spending and going**
19 **out to eat? Do you take any responsibility for**
20 **that?**

21 A. That was to make [Maryann] happy so, yes,
22 I went along with it.

23 **Q. And you had said here--I am going to**
24 **quote--"Based on our belief that a favorable**

1 **divorce judgment would be forthcoming that would**
2 **supply me with a property settlement enabling me**
3 **to pay off related debts." So there was debt**
4 **accrued; is that true?**

5 A. Yes. Using credit cards to go out and
6 to buy things.

7 **Q. And you thought you had a favorable**
8 **divorce settlement coming; is that correct?**

9 A. Yes.

10 **Q. And, in fact, wasn't that the**
11 **argument you used when you convinced [Maryann] to**
12 **use her mother's credit cards for household**
13 **expenses?**

14 A. No.

15 **Q. You were in a very public divorce and**
16 **you had to keep your expenses down; isn't that**
17 **what you told [Maryann]?**

18 A. I was in a public divorce, a very
19 public divorce, and we could not use our
20 expenses for things that might not be deemed
21 necessities. But eating and paying utilities
22 and other household expenses were necessary
23 fees. That was permissible.

24 **Q. While your divorce was ongoing, you**

1 **had to watch your expenses; yes or no?**

2 A. Clearly I had to watch them. But I
3 did as best I could and I had a good faith
4 belief that with an appropriate divorce
5 settlement, I would be able to pay them off in
6 full.

7 **Q. Isn't it true that you had [Maryann] work**
8 **at the office and you had [Maryann] use her**
9 **mother's credit cards so that your expenses would**
10 **be kept to a minimum during the course of the**
11 **divorce? Isn't that true?**

12 MR. MERRITT: Objection.

13 A. That is absolutely false.

14 MR. MERRITT: To the form of the
15 question. There were several questions.

16 **Q. Now, you have gone to a great deal of**
17 **trouble to convince everyone that [Maryann] left**
18 **you because of your unfavorable divorce judgment;**
19 **isn't that right?**

20 A. That is true.

21 **Q. So is it your testimony that you and**
22 **[Maryann] were happily planning your lives around**
23 **that divorce settlement?**

24 A. No. We had issues ever since at

1 least the news about [Rusty Hammer] in January of
2 2007. The problems had been building for a while.
3 Earlier in the prior year, even when we were
4 living at the first of the two houses in Wells,
5 she would come home very late at night.

6 **Q. You are saying it 100 times.**
7 **Didn't you say that when that divorce judgment**
8 **came in she bailed because she saw there was**
9 **not a 'big money settlement'? Didn't you say that**
10 **like 100 times in this case?**

11 A. That is true.

12 **Q. Okay. All right. Okay. Let's talk**
13 **about the events that occurred before the**
14 **divorce judgment.**

15 A. If you ask a question.

16 **Q. Did you abandon her in a bar in**
17 **San Francisco?**

18 A. No. I do not believe that I did.

19 **Q. Did you join perfectmatch.com?**

20 MR. MERRITT: Objection. He
21 already answered the question.

22 MS. MADORE: I am just doing a run
23 down.

24 **Q. You met at least one woman on**

1 **perfectmatch.com that you were regularly conversing**
2 **with?**

3 A. I met no one physically. I did not
4 meet. I did not converse with anyone for more
5 than two or three days because I was only on the
6 site for that length of time.

7 **Q. And [Maryann] had been speaking to people**
8 **like Houseguy, searching for housing; is that**
9 **right?**

10 A. As it turns out, yes.

11 **Q. And you sent E-mails to [Maryann's]**
12 **ex-husband and all of her in-laws, accusing her**
13 **of being a prostitute?**

14 MR. MERRITT: Objection. He
15 already answered that. You went over that.

16 MS. MADORE: I am just running down
17 the list.

18 A. If you want to show me something feel
19 free. You still have not done that.

20 MR. MERRITT: He already answered
21 the question.

22 **Q. What did you give her for Valentine's**
23 **Day that year?**

24 A. 2007?

1 MR. MERRITT: I have to object.

2 MS. MADORE: Steve, I am arguing
3 his point, which he said 1000 times in this
4 case, that she left because of the divorce
5 judgment. All of this happened.

6 MR. MERRITT: You are arguing.

7 MS. MADORE: I am asking questions
8 relating to these claims. Am I allowed to
9 do that, Steve?

10 MR. MERRITT: I am not going to
11 permit you to ask vague questions.

12 MS. MADORE: How is it vague?

13 **Q. What did you give to her for**
14 **Valentine's Day?**

15 MR. MERRITTE: It's so irrelevant.

16 MS. MADORE: It is real.

17 **Q. What did you give her?**

18 A. Why is it relevant? Is it in the
19 book?

20 **Q. Did you give her flowers? Did you**
21 **give her chocolates?**

22 A. I don't recall what, if anything, I
23 gave her. If I am not mistaken, around that time
24 the [Hammer] news had been announced and as a

1 result I was inquiring of [Maryann] to make plans
2 to leave the residence.

3 **Q. Did you give her an eviction notice**
4 **for Valentine's Day?**

5 A. Yes, I did.

6 **Q. Now, [Maryann] had purchased two wedding**
7 **dresses; is that true?**

8 A. My understanding is those wedding
9 dresses she had from her prior marriage.

10 **Q. There were two dresses?**

11 A. She did have two wedding dresses in
12 her closet. Dresses that appeared to be wedding
13 type dresses.

14 **Q. Where did you put them?**

15 A. Part of getting her out--I threw those
16 wedding dresses out and I wanted her out of the
17 house.

18 **Q. Where did you throw them?**

19 A. Out in the front yard.

20 **Q. In the snow, right?**

21 A. I believe there was snow on the
22 ground at the time, yes.

23 **Q. And shortly after all of this she had**
24 **an affair with an associate in your office;**

1 **is that correct?**

2 MR. MERRITT: Objection. We have
3 gone over this.

4 A. You know, I don't know when she had
5 the affair. It was announced she was going to
6 have the affair before any of that happened.
7 She may have actually begun it then, I don't
8 know.

9 **Q. As of today you realize she had an**
10 **affair with Rusty Hammer, an associate in your**
11 **office at that time, correct? You realize that**
12 **now, don't you?**

13 A. I realize that is what they testified
14 to. I don't know what to believe.

15 **Q. Fine. When [Maryann's] mother was**
16 **visiting, did the police come to the house and**
17 **escort you to the psych ward?**

18 A. Again, here we are getting into
19 privacy issues at best. I voluntarily went. I am
20 objecting to and answering your question without
21 waiving this objection. I know inquiring minds
22 want to know. After I received the divorce
23 judgment, [Maryann] grabbed it from
24 me. She was going down to visit you, Miss

1 [Madore], and announced that the marriage was over,
2 the marriage was off, there wouldn't be a
3 marriage. Those were her words, there wouldn't
4 be a marriage.

5 **Q. Were you disappointed to hear that?**

6 A. Yes.

7 **Q. Even after you threw her wedding**
8 **dresses out in the snow?**

9 A. It appeared that we had worked
10 through those things.

11 **Q. You worked through all these things I**
12 **just listed?**

13 A. Some of those things you--I will use
14 the word 'testified' because they were not proper
15 questions--you testified to, I have not answered
16 because you presented me no evidence.

17 **Q. You are not my witness.**

18 A. I just answered your question. You
19 said all these things. I just qualified all
20 these things.

21 **Q. I asked you --**

22 A. Please don't interrupt. I think that
23 is part of the problem here. Okay. You have
24 asked me if all these were true then I responded

1 to you that some of those things that you have
2 asserted I did not acknowledge and I have
3 challenged you to present evidence of
4 documentation. I believe they were objected to
5 by Mr. Merritt and therefore your question is
6 really improper. Now do you want to ask a
7 proper question?

8 **Q. All of those things that I just**
9 **listed, each one of those things did not occur?**
10 **Are you saying you didn't just agree with me**
11 **on each one of those points?**

12 A. I did not with everything.

13 **Q. Okay. We will leave the record where**
14 **it is. Okay.**

15 A. Fine.

16 **Q. So was that a yes or no to the psych**
17 **ward? Did you go?**

18 A. The answer is--again, certainly there
19 is an objection. I know you don't understand
20 there is an objection and this testimony is
21 therefore subject to that objection--After I
22 received the judgment and [Maryann] said what she
23 did and left I sent an E-mail to my ex-wife,
24 complaining about the judgment and expressing my

1 frustration regarding the fact that unless it
2 was overturned I would have to pay so much
3 support for her and the children, well beyond my
4 means, and my ex-wife construed that as some type
5 of suicide message and she, according to my
6 information, therefore telephoned the Kennebunk
7 police who in turn telephoned the Wells police
8 to engage in what they refer to as a wellness
9 check. They came to my house and they told me
10 why they were there. I am answering your
11 question. It may not be what you want to hear.

12 **Q. Did you end up in the psych ward?**

13 A. Did I end up in a section of the
14 hospital dealing with mental evaluation
15 voluntarily? Yes. Voluntarily. I went there
16 voluntarily.

17 **Q. Okay. You said all these things we**
18 **just went through you didn't agree with. Let me**
19 **ask you a different question. All these things I**
20 **just listed; would you agree--from your various**
21 **E-mails between you and [Maryann]--would you agree**
22 **that this is how [Maryann] feels; that you**
23 **abandoned her in San Francisco, she got an eviction**
24 **notice, you threw her things out, would you**

1 **agree this represents how she was feeling at the**
2 **time this divorce agreement came in?**

3 MR. MERRITT: Objection to the form
4 of the question. I am a little confused as
5 to where you are going with the question.

6 MS. MADORE: Let me make it really
7 clear then. In your answers to my
8 interrogatories, and in several pleadings
9 now in this defamation case, Bob has stated
10 that the reason [Maryann] left him is because of
11 that divorce judgment, because she wanted
12 money. Okay. And I am pointing out all
13 these things that they had been talking
14 about and E-mailing about, back and forth,
15 back and forth, back and forth with the
16 same things over, and over, and over again.

17 **Q. Are you going to testify today that**
18 **the reason [Maryann] left you is because you didn't**
19 **get a satisfactory divorce judgment?**

20 A. Ultimately that was the reason, yes.

21 **Q. Okay. In fact, isn't it YOU who fell**
22 **apart when you saw that divorce judgment? Aren't**
23 **you the one that fell apart?**

24 A. I was very unhappy with the divorce

1 judgment. I immediately planned to appeal it.

2 I did not fall apart.

3 **Q. Your wife thought you did. You sent**
4 **her an E-mail.**

5 A. She realized she was wrong about
6 that. Yes. Okay.

7 **Q. Okay.**

8 A. What was very frustrating before I
9 sent that E-mail was [Maryann's] statement to me;
10 'I am going to see Nancy, the marriage is off.'

11 **Q. Okay. Now let's move on to chapter 23**
12 **where you talk about Ocean Bank. Now, your law**
13 **firm owed Ocean Bank some money; is that**
14 **correct?**

15 A. My law firm owed an institution
16 called Ocean National Bank.

17 **Q. So you did owe them money?**

18 A. My law firm owed them money, yes.

19 **Q. How much was it?**

20 A. How is this relevant?

21 **Q. Was it \$90,000? You raised the**
22 **issue. Was it \$90,000?**

23 A. I am sorry. You are right. You
24 raised the issue in the book, yes, because you

1 were saying false things in the book about it.

2 Your question is?

3 **Q. Is \$90,000 correct?**

4 A. Somewhere around there, yes.

5 **Q. Did you default on that loan?**

6 A. The law firm Nadeau & Associates, PA
7 defaulted on that loan. That was right after the
8 divorce judgment realization that we wouldn't
9 have funds to pay that loan.

10 **Q. And they sued you for payment?**

11 A. They sued, yes. They sued Nadeau &
12 Associates and I believe they sued me
13 personally.

14 **Q. Okay. Was the loan secured?**

15 A. Yes.

16 **Q. What was it secured with?**

17 A. The contents of the law office and
18 the accounts of Nadeau & Associates, PA.

19 **Q. And the accounts receivables?**

20 A. The accounts receivable, yes.

21 **Q. So your accounts receivables and your**
22 **other assets such as bank accounts, correct?**

23 A. Correct.

24 **Q. How did Ocean Bank end up with your**

1 **client funds account?**

2 A. They improperly seized them.

3 **Q. They improperly seized them--how?**

4 **How did that happen?**

5 A. They just basically refused to allow
6 us to withdraw from them in satisfaction of
7 legal work we continued to perform on behalf of
8 the effective clients.

9 **Q. But is that typical, for law firms to**
10 **offer their client funds accounts for**
11 **collateral on a loan?**

12 A. Those accounts were not collateral on
13 a loan. The bank was wrong, as the court later
14 determined, in attaching them.

15 **Q. You know what, I couldn't find that**
16 **and I asked you specifically for everything**
17 **relating to client funds, and you were ordered**
18 **to produce those for me and you gave me one**
19 **letter with a court order saying; 'release the**
20 **funds.'**

21 A. Right.

22 **Q. But I didn't see anything that said**
23 **they were wrong, they had done any wrongdoing.**

24 A. Are you testifying or asking me a

1 question?

2 **Q. I am asking you.**

3 A. What is your question?

4 **Q. You said the court found that they**
5 **were wrong in seizing the funds. Where is that?**
6 **Where is that document, or order, or**
7 **whatever it is that says that the court found**
8 **they were the ones that were wrong for seizing**
9 **those funds?**

10 A. The lawsuit was filed against
11 People's National Bank--I'm sorry, Ocean
12 National Bank which later became People's
13 National Bank. The lawsuit included
14 counterclaims that I and Nadeau & Associates
15 filed against the bank, asserting that they had
16 wrongfully converted client funds to their own
17 use. Their claim and our counterclaim were
18 litigated in the same lawsuit. The result of
19 that was that their claim that any money was
20 owed to them was dismissed and our counterclaim
21 resulted in a judgment in our favor, requiring
22 them to release those funds and to reimburse us
23 for the loss.

24 **Q. Okay.**

1 A. And had you done due diligence in
2 your investigation you would have known that.

3 **Q. Stop right there. I don't need a**
4 **lecture. I asked for discovery and you know**
5 **none of that is in there. And I don't have any**
6 **Ocean Bank files. So save it. Okay. I did my**
7 **due diligence. I asked you for discovery and we**
8 **still have not heard back.**

9 A. That information is all public
10 records.

11 **Q. It is not.**

12 A. It is.

13 **Q. It is not. I am not going to argue**
14 **with you about it. Are you saying then--under**
15 **oath, this is your testimony: that Ocean Bank**
16 **made the mistake of seizing the wrong funds?**
17 **Is that what you are saying?**

18 A. Yes.

19 **Q. So the files were not marked**
20 **erroneously, they were not included in a list,**
21 **they were not listed as company assets, none of**
22 **that, is that what you are saying?**

23 MR. MERRITT: I am confused.

24 A. I think she is referring to the

1 Nadeau & Associates bankruptcy case.

2 **Q. No.**

3 A. What are you referring to?

4 **Q. There is either something wrong with**
5 **the system or there is something wrong with**
6 **Ocean Bank or you. What I am trying to get down**
7 **to is; client funds accounts are not law firm**
8 **assets, true or false?**

9 A. That is correct.

10 **Q. So in seizing law firm assets, why did**
11 **they seize those two accounts?**

12 A. They did that in error.

13 **Q. Was it their error or yours?**

14 A. It was their error. And they
15 eventually acknowledged that.

16 **Q. Where did they acknowledge it?**

17 A. They acknowledged it through their
18 attorney, Mr. Haenn, by not opposing a motion
19 for extra of judgment that I filed in that
20 matter.

21 **Q. Say that again.**

22 A. I filed a motion in that case for the
23 extra of judgment in my favor and in favor of
24 Nadeau & Associates, based on the fact that the

1 bank did not have the authority to have seized
2 those funds. Mr. Haenn did not oppose that
3 motion. He did not object to it. He
4 acknowledged that the bank did not have the
5 right to seize those funds. The court then
6 entered the judgment accordingly upon our
7 counterclaim.

8 **Q. All that judgment says is that the**
9 **client funds may be released. That is all**
10 **that says. It does not say whose fault it was.**
11 **It does not say why those funds got taken to**
12 **begin with.**

13 A. The reason they had to be released is
14 because they were alleged in the counterclaim to
15 have taken hold of those funds without legal
16 authorization to do so. That is the very reason
17 that they were ordered to be released. There
18 could be no other reason if you saw the
19 complaint.

20 **Q. Let me ask you this. Did you obey**
21 **the court's order to supply me with all the**
22 **client funds accounts, all the correspondence**
23 **between you and Ocean Bank relating to client**
24 **funds, that correspondence back and forth, did**

1 **you obey the court's order by giving me that one**
2 **letter?**

3 A. That should answer all the questions
4 you have.

5 **Q. How should it answer? I am wondering**
6 **how this happened. What did you do first? When**
7 **you realized they took those client funds,**
8 **what is the first thing you did? Send them that**
9 **letter with the judgment? A lot of the stuff**
10 **had to happen before that point, didn't it?**

11 A. You know, here is my objection to
12 this. I am going to put this on the record
13 because you are asking these questions. The
14 underlying theory, Miss [Madore], in your book and
15 in relating specifically to this Ocean National
16 Bank stuff is that any writer and researcher
17 would have investigated these matters of public
18 record and have known that or at the very least
19 could have contacted the person about whom you
20 were writing and defaming and said, 'you know, I
21 want to make sure I get this right before I just
22 say something about you that I pretend to know
23 about. I want to get your version of things so
24 I can determine what the truth is.'

1 **Q. Thank you for that lecture but I**
2 **didn't ask you that. You are not here to give**
3 **speeches.**

4 A. I am trying to answer your questions,
5 ma'am.

6 **Q. That is not my question.**

7 A. When you start to get an answer you
8 don't like you should not be cutting me off.

9 **Q. That is not even remotely connected**
10 **to my question, which was; once the client funds**
11 **had been seized by the bank, what did you do?**
12 **What was your first act upon learning about**
13 **that?**

14 A. Filed a counterclaim.

15 **Q. Would that fall into correspondence**
16 **regarding client funds?**

17 A. No.

18 **Q. So you filed. You didn't notify them;**
19 **'hey, you guys took the wrong funds?'**

20 A. I couldn't at that point because they
21 were represented by counsel.

22 **Q. You couldn't contact their counsel?**

23 A. Oh, I did.

24 **Q. So you sent a letter to their**

1 **counsel?**

2 A. My associate did.

3 **Q. And what did it say?**

4 A. He was ignoring the communication for
5 the most part.

6 **Q. So you had contacted him, you told**
7 **him about the client funds, true?**

8 A. My associate did, yes.

9 **Q. Okay. Where is that correspondence?**

10 A. I don't know. I can look for the
11 file. There is a file somewhere in storage
12 relating to Ocean Bank. It probably is going to
13 involve a couple of hundred pages. If you want
14 I will let you know how much the cost is to copy
15 everything if you want to send me a check to
16 copy.

17 **Q. So you are telling me now there is a**
18 **couple of hundred pages of correspondence about**
19 **these client funds?**

20 A. No correspondence, no. There were
21 pleadings as well. Are you looking for
22 pleadings?

23 **Q. Specifically, the court ordered you to**
24 **comply with my request for documents and I**

1 **wanted every correspondence between you and**
2 **Haenn that talked about client funds. That is**
3 **it. So once you notified them; 'hey you took the**
4 **wrong funds,'--that letter, I need that letter. I**
5 **need a copy of that letter and the answer that**
6 **you got back. That is what I am asking for.**
7 **That is what the court ordered you to do.**
8 **Are you going to obey the court?**

9 A. Sure. I will let you know. I will
10 let you know what the cost is.

11 **Q. You were ordered to do it by the**
12 **court without the cost.**

13 A. There is still a cost. I am ordered
14 to make them available. Copying is your cost.
15 So if you would like to come up and make copies
16 yourself I will bill you for the charges.

17 **Q. You are telling me I could have**
18 **billed you for all the discovery I have given**
19 **you?**

20 A. I don't know what you gave me.

21 **Q. Let's drop that. Okay. There is**
22 **still a court order. I am telling you to do**
23 **that. We will discuss that in court. Okay.**
24 **So once you sent them the letter, what happened**

1 **next? You said what in the letter; 'the client**
2 **funds you seized by mistake;' is that what you**
3 **said?**

4 A. I believe that Attorney Deitz
5 communicated, yes.

6 **Q. And what did they do?**

7 A. Basically their attorney was either
8 ignoring the correspondence or simply refusing
9 to cooperate.

10 **Q. And now, around this time some other**
11 **significant event took place in this**
12 **litigation, didn't it? Right around the same**
13 **time, something else happened that was pretty**
14 **significant?**

15 A. This litigation with the bank, to the
16 best of my recollection, was initiated in or
17 about October 2007. In early February 2008, I
18 am not sure what you are getting at, if you are
19 referring to the Chapter 7 bankruptcy that was
20 filed by Nadeau & Associates, PA.

21 **Q. So you filed bankruptcy around this**
22 **time?**

23 A. Well, the law firm filed bankruptcy.

24 **Q. And in your experience, what happens**

1 **to a collection lawsuit when the Defendant files**
2 **for bankruptcy?**

3 A. Are you talking about a collection
4 lawsuit by the Defendant or a collection lawsuit
5 against the debtor?

6 **Q. What happens to a collection lawsuit**
7 **by the Plaintiff? What happens when they find**
8 **out the Defendant filed bankruptcy?**

9 A. Their collection action is stayed
10 pending further disposition by the bankruptcy
11 trustee.

12 **Q. Would it be accurate to say that Ocean**
13 **Bank and their attorney lost interest in this**
14 **case at this point?**

15 A. I don't know. Evidently not.

16 **Q. Were they slow to respond?**

17 A. They were slow to respond even before
18 the bankruptcy was filed.

19 **Q. Were they?**

20 A. Yes.

21 **Q. And sometimes they didn't respond at**
22 **all; is that fair to say?**

23 A. Correct.

24 **Q. And meanwhile you were anxious to get**

1 **those funds back, right?**

2 A. Yes.

3 **Q. So you were filing things with the**
4 **court, demanding those client funds be**
5 **returned, right?**

6 A. There were pleadings that were filed,
7 yes.

8 **Q. You are trying to get your money?**

9 A. I was trying to get the client's
10 money.

11 **Q. Exactly. Yes. Okay. And eventually**
12 **you got the court order; is that right?**

13 A. It took a year and a half.

14 **Q. But you did get a court order;**
15 **is that true?**

16 A. Yes. Well, first of all, we got
17 authorization from the trustee to resume the
18 court litigation, and about a year later the York
19 District Court litigation was resolved about
20 which I testified earlier.

21 **Q. And that is when you sent Ocean Bank**
22 **that letter that you produced, right?**

23 A. The judgment. A copy of the
24 judgment, yes.

1 **Q. But you would agree that letter, that**
2 **one letter, falls short of all the**
3 **correspondence between you and Ocean Bank about**
4 **the client funds, wouldn't you?**

5 A. There was other correspondence I am
6 sure and knock yourself out. I will get you a
7 copy. What I was trying to give you, ma'am, was
8 something that would just answer your question
9 about the disposition of that dispute. But if
10 you think that you need to delve into it, knock
11 yourself out.

12 **Q. I don't need another speech.**

13 A. If that is what you want I will get
14 it to you.

15 **Q. How long did it take for you to**
16 **finally get the funds back?**

17 A. Close to two years from the time they
18 were frozen.

19 **Q. And what explanation did Mr. Haenn**
20 **give the court for his delay in returning the**
21 **funds?**

22 A. Which court?

23 **Q. Either the Bankruptcy Court or the**
24 **other courts, the Supreme Court, Superior Court?**

1 A. Eventually he ran out of
2 explanations. Initially he claimed that because
3 there was a count with them scheduled in the
4 bankruptcy case that somehow they were therefore
5 the assets of the bankruptcy estate. That was a
6 fallacious argument that the judge felt was
7 initially to be dealt with and resolved by the
8 trustee so I therefore thereafter worked with the
9 trustee, Turner, who ultimately agreed and
10 released any claim of the bankruptcy case with
11 him.

12 **Q. And you filed a bar complaint against**
13 **Mr. Haenn, didn't you?**

14 A. After the litigation actually, yes.
15 Before the funds were released.

16 **Q. Did he defend himself in that bar**
17 **complaint?**

18 A. I don't know because that was between
19 bar counsel and him at that point. I don't know
20 all that went on between them.

21 **Q. Isn't it true that Mr. Haenn did not**
22 **respond to the bar complaint? He was not**
23 **responsive to that either?**

24 A. There was something wrong there.

1 Initially he was not very responsive to it and I
2 think that upset bar counsel. But I don't know
3 all the particulars.

4 **Q. What did he say in the final hearing?**
5 **What were his reasons for taking so long to**
6 **return the client funds to you? What did he**
7 **say?**

8 A. I don't recall.

9 **Q. And the bar took action against**
10 **Mr. Haenn; is that true?**

11 A. They had taken action against him
12 before. I am not sure I understand the
13 question.

14 **Q. Based on your bar complaint, did the**
15 **bar take action against Mr. Haenn?**

16 A. Yes, they did.

17 **Q. Okay. And they gave him a public**
18 **reprimand, correct.**

19 A. Correct.

20 **Q. And what was the public reprimand**
21 **for?**

22 A. If you have it show it to me. It
23 speaks for itself.

24 **Q. How about I give you an either or?**

1 A. No. Show me the document if you have
2 it. My answer is the reason is stated in the
3 decision. I don't recall specifically.

4 **Q. Okay.**

5 MS. MADORE: Exhibit 11.

6 (Exhibit No. 11 marked;
7 Findings and order.)

8 **Q. Read the first sentence, if you will,**
9 **on that page.**

10 A. (Document examined.) You have handed
11 to me a document that you have labeled as
12 Exhibit 11 and you are showing me Page 7 of that
13 document and I think you are asking me to read
14 the first sentence which is: "Haenn intentionally
15 violated duties he owed to the legal system by
16 not timely complying with the district court's
17 August 11, 2009 judgment, and abused the legal
18 process causing injury to Nadeau and his
19 clients."

20 **Q. Okay. So was it the taking of the**
21 **funds?**

22 A. It goes on to talk about his failure
23 to timely respond.

24 **Q. Okay. So was it the taking of the**

1 **funds that he was reprimanded for or was it his**
2 **delay in releasing the funds?**

3 A. The bank would have been subject to
4 reprimand for the taking of the funds, just like
5 you would be subject to unethical reporting in
6 your book if you were subject to the licensing
7 attorney. You are free from that. The bank is
8 free from that. That was a bar proceeding
9 concerning Mr. Haenn, and although it related to
10 the underlying judgment of the bank wrongfully
11 taking of the funds, that is not what he was
12 punished for. What he was being punished for
13 was the consequences of that, which was a
14 judgment he was not honoring.

15 **Q. Is there anywhere on this green earth**
16 **where there is a document that says it was Ocean**
17 **Bank's fault, that they were the ones that made**
18 **the mistake in seizing the wrong funds? Does**
19 **such a document exist?**

20 A. There is a totality of documents with
21 that action. I tried to explain to you--if you
22 listen carefully--there was a counterclaim in
23 which that was the allegation, the counterclaim
24 resulted in the judgment you saw.

1 **Q. It does not say anything about any**
2 **wrongdoing on the part of the bank. It just**
3 **says they won't release them, they need to be**
4 **released, it never explained how this happened.**
5 **Are you telling me that every law firm that**
6 **takes out a loan and puts up their firm as**
7 **collateral, are you telling me all those**
8 **client funds are in danger of being seized?**

9 A. No.

10 **Q. Okay. So how did this go wrong?**
11 **Where did this go wrong?**

12 A. The bank made a mistake by seizing
13 those client funds.

14 **Q. Is there someone that says that?**

15 MR. MERRITT: He has answered the
16 question.

17 A. I already told you.

18 **Q. You said in your counterclaim. It's**
19 **not there, Bob.**

20 A. First of all, yes, it is. The things
21 that we said in the counterclaim, by saying that
22 in the counterclaim it was clear to the court
23 that we were saying that they had no right to
24 seize those accounts.

1 **Q. Did a judge, did anybody besides you**
2 **say it was their fault? I don't care what you**
3 **said in your counterclaim.**

4 A. Yes. First of all, in my divorce,
5 Judge Field did on the record.

6 **Q. He said that?**

7 A. Yes. He said there was no authority
8 for the bank to do that. He didn't understand
9 how a bank could do that.

10 Let me make something really clear, ma'am,
11 you have been harassing and badgering me. Be
12 quiet for a minute and let me finish my answer.
13 I will then listen to your next question.

14 **Q. I don't want any speeches from you.**

15 MR. MERRITT: He keeps answering
16 it.

17 MS. MADORE: He is not answering.
18 He goes on with speeches.

19 A. Ma'am, you are getting answers that
20 you might not like but I am answering them. Let
21 me finish otherwise you are badgering me.
22 Do you understand that?

23 **Q. Do you understand I don't want you to**
24 **talk about a million gazillion things?**

1 A. I am giving you this opportunity.
2 Don't interrupt me again. What is your
3 question?

4 **Q. One step at a time. You said Judge**
5 **Field agreed with you that Ocean Bank had no**
6 **right to take that. Now where does it say that**
7 **in your divorce judgment?**

8 A. It was his comment during the course
9 of the divorce trial.

10 **Q. So now it's a comment?**

11 A. He said that in his comments when
12 that issue was testified to during the divorce
13 trial. He said that on the record. That was
14 one judge.

15 **Q. Do you have anything in writing that**
16 **we can actually see or do we have to go by your**
17 **word? You are telling me this court, this court**
18 **that dealt with this lawsuit and your**
19 **counterclaim, you are telling me they never said;**
20 **'how did this happen to begin with?' Nobody said**
21 **that? Nobody questioned that, like Judge Field**
22 **did? Nobody said; 'this is wrong?'**

23 A. Ma'am, you are asking a couple of
24 questions. Which question do you want me to

1 answer?

2 **Q. The same one. Nobody said anything**
3 **in the Ocean Bank case?**

4 A. Let's go back to the beginning as to
5 what I testified before.

6 **Q. Okay.**

7 A. First of all, the bank seized the
8 trust accounts in October 2007 and filed a
9 lawsuit regarding the loan. We, Nadeau &
10 Associates, PA and I, counterclaimed saying that
11 their seizure of those trust accounts was wrong.
12 So that issue was before the court from the very
13 start. Throughout the course of ensuing
14 litigation, that was the fundamental issue in the
15 dispute.

16 **Q. I understand that.**

17 A. It became the subject of discovery.
18 It became the subject of a motion.

19 **Q. I didn't see any of that.**

20 A. I am answering your question.
21 Whether you realize it or not this is answering
22 the question. I know you don't understand court
23 procedure that well but this is answering your
24 question. You were suggesting that nothing had

1 been done and no one had raised the issue. That
2 is wrong. During the course of that Ocean Bank
3 litigation we were constantly raising that issue
4 and we ultimately filed a motion for judgment.

5 **Q. You have just gone on for 15 minutes.**

6 MR. MERRITT: I have businesses in
7 this building. If you scream again I will
8 go to court.

9 MR. MADORE: I am going to court.
10 I am taking this transcript to court. It is
11 like pulling teeth to get a simple answer.

12 **Q. I know that you filed thing after**
13 **thing after thing, trying to get those funds**
14 **back. It did become the whole case. I know.**
15 **But nobody, nowhere have I been able to find--**
16 **and I am asking you point blank--I know**
17 **everybody was concerned with getting those funds**
18 **back once they were taken, but did anybody**
19 **discuss precisely how it had come about that**
20 **this terrible error really had come about, the**
21 **client funds had been taken and confiscated as**
22 **company assets, how did that happen; did anybody**
23 **ask that question?**

24 A. If you saw the pleadings in the case,

1 I have been trying to explain to you.

2 **Q. I have seen everything on record.**

3 A. Then why do you need me producing
4 things?

5 **Q. Nobody discussed how it happened?**

6 A. None of the court pleadings in your
7 estimation said anything about how it happened?

8 **Q. Nothing. No. Nothing. Nothing about**
9 **how it came about, just they have had to be**
10 **returned. All they talk about is how they have**
11 **to be returned; is that correct?**

12 A. When you see the pleadings that I
13 will provide that will totally disprove what you
14 are asserting.

15 **Q. Wonderful. I can't wait.**

16 A. Then you will remove this book.

17 **Q. No. You are only four months late in**
18 **your discovery.**

19 A. Ma'am, presumably you researched all
20 of this before you reported in chapter 23 about
21 the Ocean Bank issue. If you had already seen
22 this stuff you would have been much more
23 forthcoming and accurate regarding your
24 reporting in the book.

1 **Q. I reported in the book what you**
2 **reported in your deposition. Okay.**

3 A. You did not look at the court records
4 from that case.

5 **Q. Okay. So you are saying that the**
6 **court does address the issue of how the funds**
7 **got seized to begin with. You are saying**
8 **somewhere you can produce that for me?**

9 A. It was addressed in my pleading to
10 the court after that.

11 **Q. I did not ask you that and you know**
12 **it.**

13 A. Ma'am, look --

14 **Q. Wait a minute. I know that you**
15 **addressed it. I saw you addressed it and**
16 **demanded the funds back. I saw that. I know you**
17 **addressed it and I know the court said; 'yes, of**
18 **course, return the client funds.'** But I am
19 **asking you, did they say; 'hold up, how did this**
20 **happen;' did anybody say that?**

21 A. The court did not need to make a
22 specific finding that what they did was wrong. All
23 the court had to do was order the funds be
24 returned.

1 **Q. Is that a no?**

2 A. No, it's not. Inherently in ordering
3 they did return. The court had found the
4 procedure was wrong.

5 **Q. The court has no way of knowing how**
6 **that happened, do they?**

7 A. It was pleaded and not contested by
8 the bank in that litigation.

9 **Q. It was pleaded that the client**
10 **funds be returned; is that correct?**

11 A. That was part of the pleading. And
12 the reason that request was made was because it
13 was also pleaded in the motion that says; 'you are
14 wrong. It violated the bar rules.'

15 **Q. Where did it say that?**

16 A. In the motion.

17 **Q. In your motion?**

18 A. Yes. The court granted.

19 **Q. Bob, for the 1000th time, I do not**
20 **want your words. I am looking for somebody else**
21 **that determined what happened, not you.**
22 **Is that not obvious to you, Bob?**

23 A. It is not obvious.

24 **Q. Do you think I want this diagnosis**

1 **from you?**

2 A. Miss [Madore], I am really respectfully
3 trying to answer your question.

4 **Q. Are you?**

5 A. Yes. If you listen very carefully -

6 **Q. Did anybody besides you --**

7 A. You interrupted me again.

8 **Q. I am asking questions. Did anybody**
9 **besides you rule on this?**

10 A. The judge.

11 **Q. Okay. Where is that ruling?**

12 A. The judge granted my motion on the
13 basis of what was pleaded in the motion that the
14 seizure was improper.

15 **Q. He did not. He granted --**

16 A. Are you testifying?

17 **Q. Isn't it true that the judge granted**
18 **that the client funds should be returned to**
19 **clients because they are not law firm assets?**
20 **Isn't that what he ruled?**

21 A. You have to show me the order. But
22 the order required that the funds be returned to
23 Nadeau & Associates so that they in turn could
24 be returned to clients and that is exactly what

1 happened.

2 Q. Right. But how is that dealing with
3 the mistake of what originally happened that
4 caused all this to begin with? Nobody dealt
5 with that, did they? Not the bar, and not the
6 court. Nobody dealt with the issue of how they
7 came to be in possession of client funds; did
8 they?

9 A. Yes, they did by ordering the funds
10 be returned.

11 Q. How is that dealing with that issue,
12 Bob?

13 A. It tells the bank; 'you can't keep
14 them.'

15 Q. 'You can't keep them.' But it's not
16 punishing them for taking them. Why didn't the
17 court punish them for taking them?

18 A. You have to ask the judge about that.

19 Q. Wouldn't that be something you would
20 ask for sanctions for, if they took
21 them wrongly?

22 A. My primary focus was simply getting
23 those funds back.

24 Q. Really?

1 A. Yes.

2 **Q. You don't always ask for sanctions in**
3 **every single case?**

4 A. I could have. I wanted that issue
5 resolved and I then pursued sanctions against
6 Attorney Haenn and the bank.

7 **Q. Now, you stated that you were awarded**
8 **a judgment in that litigation; is that correct?**

9 A. A judgment in which litigation?

10 **Q. Ocean Bank.**

11 A. The one we have been talking about?

12 **Q. The one we have been arguing about for an**
13 **hour.**

14 A. Yes.

15 **Q. And you said in your answers that it**
16 **was for \$27,000; is that correct?**

17 A. I don't recall the exact amount. The
18 judgment speaks for itself. It's somewhere
19 around that amount, yes.

20 **Q. That judgment was not awarded to you,**
21 **was it?**

22 A. It was awarded to Nadeau & Associates
23 and I don't know that the judgment specifically
24 identified an amount. It just said the money

1 needed to be returned.

2 **Q. To who?**

3 A. To Nadeau & Associates.

4 **Q. Who ultimately got the judgment?**

5 **The judgment is for the client funds, correct?**

6 A. Correct.

7 **Q. So you didn't win any judgment, you**
8 **just got the client funds back?**

9 A. It was my obligation to get the
10 client funds back. And by that time, yes, we
11 did win the judgment because by then we had
12 already performed the services relating to what
13 the fees related to, what the client funds
14 were there for. Those funds had all been
15 earned. My firm simply for two years could not
16 be paid for its work for those clients, so when
17 that judgment was obtained, all the funds having
18 by then been earned did indeed belong to me.

19 **Q. Bob, are you testifying that you won**
20 **\$27,000 in that litigation? Is that what you**
21 **are testifying to? Is that what you are saying,**
22 **you won that judgment?**

23 A. Again, it was a judgment. I don't
24 recall the judgment specified a monetary amount.

1 But the monetary amount that was paid as a
2 result of that judgment was somewhere in that
3 area.

4 **Q. And you see that as payment to you?**

5 A. It was a payment to Nadeau &
6 Associates, PA. Actually, no, it was a payment
7 to Nadeau Law, LLC which was a co-defendant in
8 that case because the work had been performed by
9 Nadeau Law, LLC using client's funds that were
10 supposed to have been turned over to Nadeau Law,
11 LLC.

12 **Q. All right. So is it a true statement**
13 **that you won that case, you won an award in that**
14 **judgment?**

15 A. Nadeau & Associates and Nadeau Law
16 won a judgment that equated to an award.

17 **Q. And you have testified that all Ocean**
18 **Bank's claims against you were dismissed;**
19 **is that correct?**

20 A. Yes.

21 **Q. Who dismissed them?**

22 A. The court. The District Court.

23 **Q. The District Court said you don't**
24 **have to pay the loan?**

1 A. In fact, that was the effect of the
2 judgment.

3 **Q. In fact, doesn't that judgment just**
4 **say those client funds have to be returned?**
5 **It does not dismiss the initial loan. The judge**
6 **didn't just wipe it out; 'you don't owe this loan**
7 **anymore,' did he?**

8 A. There was a separate dismissal order
9 in that case.

10 **Q. Did the court ever say you don't have**
11 **to pay Ocean Bank the loan back; is that what**
12 **they said to you?**

13 A. They dismissed the equivalent of
14 that, ma'am.

15 **Q. Really?**

16 A. Yes.

17 **Q. So it wasn't that Ocean Bank lost**
18 **interest in the loan because of the bankruptcy?**
19 **That was not why?**

20 A. You would have to ask them. I don't
21 know.

22 **Q. And is it your testimony that the**
23 **court waived that \$90,000 loan?**

24 A. Yes.

1 **Q. Okay. And it was not just because the**
2 **Bankruptcy Court had ruled on it?**

3 A. No. It was a secured loan. If you
4 understand the difference between secured loans
5 and unsecured loans in bankruptcy. To the
6 extent that they are backed by adequate security
7 they survived bankruptcy. As you know, Miss
8 [Madore], correct? You know that, right?

9 **Q. Yes.**

10 A. Very good.

11 **Q. Did that loan come out of bankruptcy?**

12 A. Yes. As a matter of fact, that loan
13 was never affected by bankruptcy to the extent
14 of the security.

15 **Q. Did you pay the loan back?**

16 A. No. Because the litigation that was
17 associated with the loan resulted in a dismissal
18 of the bank enforcement claims relating to the
19 loan as I already explained.

20 **Q. So you are telling me that--because there**
21 **was this mix up with the client funds--you are**
22 **telling me the bank said; 'okay, we made this**
23 **mistake therefore he does not owe the \$90,000**
24 **anymore?'**

1 A. That is not what I said. What I am
2 saying is their claim relating to their loan was
3 dismissed. My claim, the claim of Nadeau &
4 Associates and Nadeau Law, LLC, the counterclaim
5 regarding the release of the client funds was
6 granted.

7 **Q. Okay. Now, you have testified that my**
8 **bar complaint to client funds--you testified**
9 **that caused you a great deal of harm. Did [Another**
10 **Disappointed Client's] bar complaint, which**
11 **resulted in a public warning cause you harm?**

12 A. I believe you are referring to someone
13 surnamed [Another Disappointed Client].
14 And the result of that grievance
15 is public record.
16 I believe you have them. They speak for
17 themselves.

18 **Q. Did that cause you harm like my bar**
19 **complaint appeared to--never getting a public**
20 **notice, you said that caused you a great deal of**
21 **harm. The other one that did result in a public**
22 **warning, did that cause you harm?**

23 A. Because it was a marginally
24 successful grievance --

1 **Q. Yes or no?**

2 A. Any harm to me is irrelevant. So I
3 have to say that it did not cause legally
4 recognizable harm in contrast to your action.

5 **Q. So a public warning does not cause**
6 **you harm but my --**

7 A. Oh, it's harm.

8 **Q. But my bar complaint that was**
9 **dismissed without a hearing caused you harm?**
10 **Didn't you testify under oath that they caused**
11 **you a great deal of harm--that Haenn's actions**
12 **caused you a great deal of harm? Did you ever**
13 **testify to that?**

14 A. Under the law, you are talking about
15 legal harm. Okay. Under the law a valid bar
16 grievance, even though it may cause inconvenience
17 and even financial consequences as an attorney,
18 nevertheless does not cause legal harm.
19 On the other hand, grievances that are filed by
20 someone that has no legal merit and are
21 therefore dismissed --

22 **Q. Do you really think I need this**
23 **lecture with every answer?**

24 A. I am answering the question.

1 **Q. I don't want to hear about my**
2 **grievance.**

3 A. You just asked about it. When
4 someone files grievances that are frivolous, that
5 are dismissed, that cause the attorney
6 considerable loss of time from his business as
7 well as emotional distress, yes, that does
8 constitute legal harm.

9 **Q. Did you testify that --**

10 A. I am not done. And that legal harm
11 was a subject of prior litigation, it is not a
12 subject of this litigation. I agreed to dismiss
13 those claims in prior litigation because of your
14 financial situation.

15 **Q. Did you testify that Haenn's behavior**
16 **in delaying, harmed you and caused the phones to**
17 **go dead? Did you say that?**

18 A. No.

19 **Q. You didn't?**

20 A. Haenn's conduct didn't do that, no.
21 Yours did in this book.

22 **Q. That is enough. That is enough.**
23 **All right. Now, Ocean Bank had a secured**
24 **interest in your accounts receivables as well;**

1 **is that correct?**

2 A. It had a security interest in Nadeau
3 & Associates.

4 **Q. Okay. That is what I mean. I am**
5 **talking about Nadeau & Associates. Okay.**

6 A. Which dissolved in September 2007.

7 **Q. And one of those accounts receivables**
8 **was Daddy's bill, correct?**

9 A. Yes.

10 **Q. And when you filed bankruptcy, Ocean**
11 **Bank knew that the bankruptcy court would take**
12 **over those accounts, didn't they?**

13 A. I don't know what they knew but that would
14 be the normal process.

15 **Q. Did Ocean Bank continue to pursue**
16 **their interest in your firm's accounts**
17 **receivables after you filed bankruptcy?**

18 A. They could but there was confusion
19 between them, I think, regarding who had the
20 right to do it. The trustee probably had the
21 right but because it was a secured interest the
22 bank had the right. The opportunity was offered
23 to both with the question of clarification
24 regarding who wanted to act on these accounts.

1 I dealt primarily with the trustee.

2 Q. Isn't it true that Ocean Bank
3 continually neglected the account once your
4 bankruptcy was filed, even to the point of
5 failing to respond to the Bar of Overseers when
6 you filed your grievance against him?

7 A. What account?

8 Q. Isn't it true?

9 A. What account are you referring to?

10 Q. Okay. Isn't it true that Ocean Bank
11 continually neglected the case, the accounts
12 receivable, everything to do with your firm and
13 the money it owed once they knew that you
14 had filed bankruptcy? Isn't that true? They
15 completely neglected the whole case, didn't
16 they?

17 A. What case?

18 Q. All of it. Everything that had your
19 name on it they didn't pay attention to,
20 did they?

21 A. What I recall, there was two
22 different court cases that you are referring to.
23 The District Court case and the Bankruptcy Court
24 case. And as far as the several grievances

1 against Mr. Haenn was concerned that was after
2 the District Court matter had been resolved.
3 The bank was not a party to that. It
4 could not be a party.

5 **Q. Yes or no, would you say, as an**
6 **attorney, that Haenn lost interest in this case**
7 **because he knew it was a dud when you filed**
8 **bankruptcy? Isn't that true?**

9 A. I can't say that. I don't know.
10 You would have to ask him.

11 **Q. Okay. All right. How much was your**
12 **law firm's accounts receivables worth at that**
13 **time?**

14 A. At what time?

15 **Q. During that time you were filing**
16 **bankruptcy how much was your law firm's accounts**
17 **receivables worth?**

18 A. I don't know.

19 **Q. Can you just give an estimate?**

20 A. No. I really don't recall.

21 **Q. Can you produce that for me?**

22 A. It's a matter of public record.

23 No, I am not going to produce it. You have that
24 and you can go on-line with the bankruptcy court

1 and get it.

2 **Q. All right. Around this time you also**
3 **dissolved your law firm you stated, right?**

4 A. I had already dissolved it in
5 September of 2007.

6 **Q. Okay. So everything actually**
7 **got really confusing, didn't it? It was kind of**
8 **a confusing mess. We have been in two**
9 **depositions now and you provided countless**
10 **documents and we have acquired countless**
11 **documents on our own and still nobody can get to**
12 **the bottom of this.**

13 MR. MERRITT: Objection to the form
14 of the question.

15 **Q. Do you find this odd that nobody can**
16 **understand what happened?**

17 A. What happened with what?

18 **Q. With the client funds. Let's go**
19 **through one by one. Which bankruptcy was**
20 **challenged by the bankruptcy court? Personal?**
21 **You went through personal bankruptcy too at the**
22 **same time?**

23 A. Yes.

24 **Q. So which one was challenged by the**

1 **bankruptcy court?**

2 A. The personal bankruptcy was
3 challenged.

4 **Q. Only personal?**

5 A. Not by the Bankruptcy Court. By the
6 bankruptcy trustee.

7 **Q. What were they challenging**
8 **specifically?**

9 A. If I recall they were specifically
10 challenging whether a certain accounts
11 receivable had been included in the Nadeau &
12 Associates bankruptcy.

13 **Q. They were challenging what?**

14 A. They were challenging, they were
15 questioning whether a certain accounts
16 receivable had been included in the Nadeau &
17 Associates bankruptcy.

18 **Q. And also they thought you were**
19 **collecting on it personally, correct?**

20 A. They were concerned about that.

21 **Q. Were they challenging that? Yes or**
22 **no?**

23 A. The trustee was questioning that,
24 yes.

1 **Q. Okay. And how did your law firm's**
2 **bankruptcy end?**

3 A. The law firm's bankruptcy, it was a
4 corporate bankruptcy so it ends, not by
5 discharge, but by termination.

6 **Q. And what does 'termination' mean?**

7 A. Termination means that the trustee
8 has fully administered the bankruptcy estate and
9 that he has taken no further action relating to
10 assets of the estate.

11 **Q. And what happens to the debt?**

12 A. The debt is essentially being non
13 collectible so it's deemed non collectible at
14 that point.

15 **Q. And how much debt did you have with**
16 **your business?**

17 A. I don't recall. You have to look at
18 the schedule.

19 **Q. Do you have a rough figure?**

20 A. I don't have a rough figure.

21 **Q. Okay. And who ended up with all of**
22 **those uncollected accounts receivables?**

23 A. The trustee abandoned the accounts
24 receivables that included the one that was in

1 question.

2 **Q. Okay. Now, when the trustee abandoned**
3 **them, wasn't there somebody second in line for**
4 **those accounts receivables?**

5 A. There would have been and that would
6 have been Ocean Bank but it lost its claim.

7 **Q. Okay. So you got the accounts**
8 **receivables personally?**

9 A. Yes. The bankruptcy accounts
10 receivables were abandoned to Nadeau &
11 Associates, PA which was a dissolved corporation
12 and therefore they became my property for
13 whatever that was worth.

14 **Q. So you had a huge amount of debt, I**
15 **am assuming that was wiped out, and you got to**
16 **keep all your assets; is that typically how it**
17 **works?**

18 A. I didn't get to keep all my assets.
19 First of all, the houses were both lost.

20 **Q. Because they went into foreclosure,**
21 **correct?**

22 A. They had gone into foreclosure but
23 they were part of the bankruptcy.

24 **Q. But you chose that by letting them go**

1 **into foreclosure. You could have chosen to keep**
2 **them, correct?**

3 A. If I could have afforded to, yes.
4 But I couldn't afford to do that.

5 **Q. Right. That is a choice you made.**
6 **You didn't have any equity in them.**

7 A. There was very little equity in them.

8 **Q. So far, very little loss.**

9 A. Ma'am, I am trying to answer your
10 question. I would appreciate it if you would
11 allow me to do that. With respect to the law
12 firm a great deal of assets were abandoned in
13 place at the former Wells law office which
14 we had to abandon. So there was a lot of
15 equipment, a lot of nice furniture, supplies,
16 other personal property that was lost to the
17 trustee basically. And I don't know what, if
18 anything, he did with it.

19 **Q. That was mostly paid for with the**
20 **\$90,000 loan, right, to start your business;**
21 **isn't that true?**

22 A. The business was not started up on
23 that loan. That loan was taken out long after
24 that business started. Most of the contents had

1 been acquired before the loan was taken out.

2 **Q. All right. But I am asking you; is**
3 **that typical for a law firm, or any business, to**
4 **be able to keep all their accounts receivables**
5 **while their debts go away?**

6 A. It is not unusual.

7 **Q. All this is legal?**

8 A. Yes.

9 **Q. Okay. And how did your personal**
10 **bankruptcy end?**

11 A. By agreement that was dismissed.

12 **Q. It was dismissed, not discharged?**

13 A. No. It was dismissed. Initially
14 there was a discharge but I agreed to it.

15 **Q. After they challenged you and they**
16 **were going to charge you with fraud?**

17 A. First of all, again, this is
18 irrelevant. But the fact of the matter is no
19 fraud was proven nor frankly could any have
20 been.

21 **Q. Because you cut a deal, right?**

22 A. No. The [receivables] account was indeed
23 included in the schedule in the bankruptcy so
24 there was nothing that was concealed.

1 **Q. Okay. And that was for a million**
2 **dollars, right? Your personal bankruptcy was for a**
3 **million dollars in debt?**

4 A. Well, if you included the value of
5 the houses that is where the value got up to the
6 million dollars. The two houses were worth
7 nearly \$500,000. But the fact of the matter is
8 the debt that went with them were that
9 equivalent to them as well.

10 **Q. How long had your personal bankruptcy**
11 **dragged on before it was finally dismissed?**

12 A. Two or two and a half years. I am
13 guessing. I don't know.

14 **Q. And you have testified that you**
15 **didn't care that that was dismissed instead of**
16 **discharged because that million dollars in debt**
17 **had already been abandoned by the creditors; is**
18 **that right?**

19 A. No. Most of the creditors already
20 had their security in the properties to which
21 the debt related, so most of the debt was not
22 lost to the creditors to begin with.

23 **Q. Isn't that what you testified to in a**
24 **former deposition under oath?**

1 A. The debt case was discharged. I was
2 not responsible for the debt. But the creditors,
3 for the most part, were not harmed because their
4 interest was secured in the properties that they
5 were able to take and resell largely satisfied
6 their interest the sums that was due to them.

7 **Q. Okay. And so you didn't have to**
8 **repay the \$90,000 loan to Ocean Bank, you got**
9 **out of a million dollars in debt, roughly, on**
10 **your personal bankruptcy, you don't know how**
11 **much debt you relieved yourself of in your**
12 **business bankruptcy—so you had a new business, no**
13 **debt, and you had a nice big chunk of accounts**
14 **receivables; is that correct?**

15 A. No.

16 **Q. That you personally collected on. Is**
17 **that correct?**

18 A. It would—the accounts receivable is
19 very minor in terms of collectible.

20 **Q. You can't guess how much they were.**
21 **Do you know how much they were?**

22 A. They are in the schedule. You have
23 to look at the schedule. They are listed. But
24 most of those accounts were largely, if not

1 entirely, uncollectible.

2 **Q. So an amount?**

3 A. I don't know. \$2,000 maybe.

4 **Q. All right. A few thousand dollars?**

5 A. Yes.

6 **Q. One account that I know of is more**
7 **than a few thousand dollars.**

8 A. You are talking about your account.

9 **Q. I am talking about Daddy's account.**
10 **Wasn't that \$6,000?**

11 A. Yes. I didn't collect most of that
12 because you turned around and filed bankruptcy.

13 **Q. All right. Okay. So the first thing**
14 **you did after all this is you started suing**
15 **clients, like Daddy, for the old receivables that**
16 **you now personally own; is that what you did?**

17 A. After the trustee abandoned the
18 accounts receivables the bank's claims
19 concerning them were dismissed.

20 **Q. Correct. So you unloaded all this**
21 **debt?**

22 A. I did make some effort to collect on
23 accounts. As far as your brother is concerned
24 Mr. Turner was aware of that early on and had

1 authorized me to proceed with that litigation.

2 **Q. Did you ever notify Ocean Bank that**
3 **their interest in the old firm's accounts**
4 **receivables was available to them?**

5 A. Yes.

6 **Q. You did?**

7 A. Early on, oh yes.

8 **Q. After the termination went through,**
9 **and the accounts receivables went through you**
10 **notified them?**

11 A. During the course of the bankruptcy
12 there was a deposition that was taken. Yes,
13 they were very well aware of that.

14 **Q. Ocean Bank, you notified them?**

15 A. Yes. Their attorney was notified.

16 **Q. Attorney Haenn. And he never went**
17 **after the accounts receivables?**

18 A. That is correct. He and trustee
19 Turner.

20 **Q. Okay. All right. So you walked away**
21 **from a client funds malfunction. You agree**
22 **there was some sort of malfunction that happened**
23 **to your client funds in the amount of \$70,000, that**
24 **we were talking about a while ago, correct?**

1 A. Yes. That was determined.

2 **Q. And would you also agree that a**
3 **lawyer has responsibility for his client funds**
4 **accounts?**

5 A. Yes.

6 **Q. And would you also agree that there was**
7 **some sort of malfunction with your bankruptcy, in**
8 **that they were going to charge you with**
9 **something if you had not dismissed it?**

10 A. They prosecuted the charge. It was
11 dismissed. The charge itself was dismissed.

12 **Q. Okay. So the charge was dismissed**
13 **because you agreed to dismiss the bankruptcy,**
14 **correct?**

15 A. And they agreed to dismiss the
16 charge. They knew very well, in fact,
17 Mr. Turner himself testified that he did not
18 believe that any fraud had been committed.

19 **Q. Now we went through this before.**
20 **He testified to that?**

21 A. He did.

22 **Q. Okay.**

23 MS. MADORE: I am done. It will
24 have to be suspended.

1 (Deposition suspended at 4:20 p.m.)

2

3 THE STENOGRAPHER: Would you,
4 please, state your transcript order on the
5 record.

6 MS. MADORE: I would like the PDF
7 copy.

8 MR. MERRITT: A mini.

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C E R T I F I C A T E

I, Linda Castanino,
Registered Professional Reporter and Notary
Public within and for the Commonwealth of
Massachusetts, do hereby certify that
ROBERT M.A. NADEAU, the witness whose deposition
is hereinbefore set forth, satisfactorily
identified himself, was duly sworn by me, and
that such deposition is a true record of the
testimony given by the witness.

I further certify that I am neither related
to or employed by any of the parties to this
action, nor am I financially interested in this
action.

WITNESS MY HAND this 26th day of
March, 2015

LINDA CASTANINO My commission expires:
Notary Public May 21, 2021

Robert Nadeau
March 6, 2015

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1 Today's date: March 26, 2015
2 To: Steven Merritt
3 Copied to: Nancy Madore
4 From: Linda Castanino
5 Deposition of: Robert Nadeau
6 Taken: March 6, 2015
7 Action: Robert M.A. Nadeau vs.
8 Nancy [Madore], [Maryann]

9

10 Enclosed is a copy of the deposition of
11 ROBERT M.A. NADEAU. Pursuant to the Rules of
12 Civil Procedure Mr. Nadeau has 30 days
13 to sign the deposition from today's date.
14 Please have Mr. Nadeau sign the
15 enclosed signature page. If there are any
16 errors, please, have Mr. Nadeau mark the page,
17 line, and error on the enclosed correction
18 sheet.

19 He should not mark the transcript itself.
20 This addendum should be forwarded to all
21 interested parties.

22 Thank you for your cooperation in this
23 matter.

24

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CATUOGNO COURT REPORTING & STENEL TRANSCRIPTIONS
Springfield, MA Worcester, MA Boston, MA Providence, RI

1 * * * * *
2 Robert M.A. Nadeau *
3 vs. *
4 Nancy [Madore] and *
5 [Maryann] *
6 * * * * *

7
8

9 I, ROBERT M.A. NADEAU, do hereby certify,
10 under the pains and penalties of perjury,
11 that the foregoing testimony is true and
12 accurate, to the best of my knowledge and
13 belief.

14
15 WITNESS MY HAND, this _____ day of
16 _____, 2015

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18
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24

ROBERT M.A. NADEAU

1 CORRECTION SHEET

2 DEPONENT: Robert M.A. Nadeau

3 CASE: Nadeau vs. Pratt, et al

4 DATE TAKEN: March 6, 2015

5 *****

6 PAGE/ LINE/ CHANGE OR CORRECTION AND REASON

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