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COMMONWEALTH OF MASSACHUSETTS
SUPERIOR COURT
DOCKET NO. ESCV2010-00636-B

ESSEX, SS.

ROBERT M.A. NADEAU,

PLAINTIFF

VS.

[NANCY MADORE]

DEFENDANT

DEPOSITION OF ROBERT NADEAU

Gleason Law Firm

175 Merrimack Street

Haverhill, Massachusetts

June 15, 2011 10:02 a.m.

1 APPEARANCES:

2

3 Representing the Plaintiff:

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8 BY: STEVEN R. MERRITT, ESQUIRE

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11 Representing the Defendant:

12 GLEASON LAW OFFICES, P.C.

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14 Haverhill, MA 01830

15 BY: SCOTT F. GLEASON, ESQUIRE

16 978) 521-4044 Fax (978) 521-3738

17

18 In attendance:

19 [Nancy Madore], Defendant

20

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I N D E X

WITNESS: ROBERT M.A. NADEAU

EXAMINATION PAGE
BY MR. GLEASON: 4

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1 P R O C E E D I N G S

2

3 MR. GLEASON: Steve, usual stipulations?

4 MR. MERRITT: Yes, please. Reserve

5 objections to trial, except as to form of the question.

6

7 ROBERT M.A. NADEAU, DEPONENT, having first

8 been duly sworn, testified as follows:

9

10 EXAMINATION BY MR. GLEASON:

11

12 **Q. Good morning, sir.**

13 A. Good morning.

14 **Q. Would you identify yourself for the record,**

15 **please.**

16 A. Robert M.A. Nadeau.

17 **Q. Mr. Nadeau, where do you live?**

18 A. I'm not going to disclose my address for reasons

19 that I think the parties are well aware of. I have an

20 office in Bedford, New Hampshire, and that address is

21 known.

22 **Q. And you are employed in what capacity?**

23 A. I'm an attorney.

24 **Q. Okay. And how long have you been an attorney?**

1 A. Thirty years.

2 **Q. Okay. And directing your attention to [Nancy**
3 **Madore]. Do you know her?**

4 A. Yes.

5 **Q. And how is it that you came to know her?**

6 A. Miss Madore was made known to me by someone who
7 became my former -- became my fiancée, [Maryann].
8 XXX.

9 In the summer of 2003, Miss Madore was referenced
10 as a close friend of [Maryann]'s in conversations I
11 had with [Maryann] at that time.

12 I did not, to the best of my recollection, meet
13 Miss Madore in 2003.

14 Although, when [Maryann] and I separated in
15 early August 2003, I heard from Miss Madore via rather
16 nasty pointed e-mails that she sent to me.

17 **Q. Okay. And you have filed a Complaint in this**
18 **case?**

19 A. Yes.

20 **Q. And what is the nature of the Complaint?**

21 A. It's self-explanatory. You have a copy of the
22 Complaint.

23 **Q. Okay. And there are a couple of counts; is that**
24 **correct?**

1 A. There are several counts.

2 **Q. Okay. And those counts are specifically what?**

3 A. I don't have the document in front of me. If you
4 want to put it in front of me, I'll be happy to read it
5 for you.

6 **Q. Okay?**

7 A. Although, frankly, I think that's harassing.
8 It's capable to be read by you.

9 **Q. Are you represented by counsel? I'd ask you to**
10 **kindly refrain from offering objections then.**

11 A. Well, that's fine. Except that, I'm not going to
12 answer things that are just frankly harassing.

13 **Q. So, just for purposes of the record, you're**
14 **acting in your own capacity as your own attorney;**
15 **correct?**

16 A. I am acting as a human being.

17 **Q. Okay. Do you recognize this document?**

18 A. I recognize what you present to me, which is a
19 copy of the Complaint and jury trial requested, filed in
20 this litigation, dated March 24th, 2010.

21 **Q. Okay. And this is the claim of yourself verse**
22 **[Nancy Madore]; correct?**

23 A. At present, correct.

24 **Q. What do you mean by, "at present"?**

1 A. [Maryann] is being added to the
2 lawsuit as a codefendant.

3 **Q. Okay. And count one is for breach of**
4 **contract; is that correct?**

5 A. Yes.

6 **Q. Okay. And you're alleging in this particular**
7 **document that the Defendant in this case, Miss Madore,**
8 **breached her expressed and implied contract agreement**
9 **and personal guarantees of \$6,231.50 as of March 15th,**
10 **2010; correct?**

11 A. Yes.

12 **Q. Alright. And when you said, the "express**
13 **contract", what do you mean by that?**

14 A. A number of verbal, as well as written
15 communications, and other courses of conduct including
16 payments directly by [Nancy Madore] for services.

17 **Q. So, when you say "expressed contract", you're**
18 **certainly not suggesting that there is a written**
19 **contract between the two of you; are you?**

20 A. Yes, I am. As you know the document of part
21 performance entitles one to take a series of documents
22 and establish that a contract existed, notwithstanding
23 her nonsignature to an actual fee agreement. Her
24 brother did sign a fee agreement.

1 Q. Okay. As to so much of the answer that I think
2 answered my question; you're agreeing with me that there
3 is no signed contract between you and Miss Madore;
4 correct?

5 A. No, I'm not agreeing with that at all.

6 Q. Okay. So, it is your contention here today that
7 there is a signed agreement between you and [Nancy
8 Madore]?

9 A. There is a series of writings that together with
10 evidence relating to course of conduct establishes a
11 contract; yes.

12 Q. Okay. And, you know, just for purposes of the
13 record, you've certainly indicated that you are an
14 experienced attorney.

15 I would just ask you to answer the question, and
16 I'll repeat it again.

17 Are you saying, yes or no, that there is a
18 written, signed contract between you and [Nancy
19 Madore]?

20 A. I believe I have already answered that question.

21 Q. Okay.

22 A. There is no single, signed document. It's a
23 matter of a course of documents.

24 Q. Alright. And if we could have, do you recognize

1 **this particular document?**

2 **(Witness complies.)**

3 A. You're showing me a copy of an Hourly Fee
4 Agreement identifying as a client, [Daddy] dated
5 November --

6 **Q. Well, my first question is: Do you recognize it?**

7 A. Yes, I do. It's a copy of an Hourly Fee
8 Agreement between --

9 **Q. Okay. What do you recognize it to be?**

10 A. Copy of an Hourly Fee Agreement between [Daddy]
11 and Nadeau Associates, PA.

12 **Q. Okay. And are there signatures on the page?**

13 A. Yes.

14 **Q. And do you recognize the signatures on the page?**

15 A. On the second page, there are signatures of
16 myself and [Daddy].

17 **Q. And does this, is this an agreement which was**
18 **used by you and your offices, known as Nadeau and**
19 **Associates PA, on or about the dates of November 2nd,**
20 **2005?**

21 A. It is, yes.

22 **Q. Okay. And?**

23 A. It is an agreement, yes.

24 **Q. And does it accurately purport the nature of the**

1 **business dispute that was the purpose of the retention**
2 **of your firm?**

3

4 MR. MERRITT: Objection to the form of the
5 question. Could you break it up into two? You asked
6 two questions, please.

7 MR. GLEASON: Fine.

8

9 **Q. Does it describe what the nature of the hiring is**
10 **about?**

11 A. It describes the primary focus of the hiring,
12 yes.

13 **Q. What is that?**

14 A. A business contract dispute with [Evil Contractors],
15 excluding litigation.

16 **Q. And who was involved in that business contract**
17 **dispute with [Evil Contractors]?**

18 A. [Daddy] and, as an incidental participant
19 or apparently even a primary participant, Miss Madore.

20

21 **Q. You filed a Complaint in that case?**

22 A. In connection with subsequent representation
23 beyond the scope of this Hourly Fee Agreement, a
24 Complaint was filed, yes.

1 **Q. Okay. And subsequent, or rather the Complaint**
2 **that was filed was on behalf of whom?**

3 A. It was in the name of [Daddy]. It was on
4 behalf of [Nancy Madore] and her brother, [Daddy].
5.

6 **Q. Okay. And, so, it's fair to say, based upon your**
7 **two prior answers, that -- well, just, I'm asking if my**
8 **understanding is correct for purposes of this record.**
9 **That, this claim was being made on behalf, in part of**
10 **[Nancy Madore]; is that correct?**

11 A. The subsequent litigation was, yes. As well as,
12 other matters that [Nancy Madore] specifically asked
13 me to assist her with, yes.

14 **Q. Okay. And I'm asking you about this agreement.**
15 **So, for purposes of this agreement, this agreement was**
16 **with whom?**

17 A. This agreement was signed by Nadeau and
18 Associates, PA, and with me. It was requested by [Nancy
19 Madore], who personally guaranteed payment.

20 **Q. Okay.**

21 A. And, in fact, made payments.

22 **Q. Okay. And I'm not asking you any of those**
23 **questions, and you understand that; don't you?**

24 A. No, I don't.

1 **Q. You don't. Okay. Who was this contract with?**
2 **This agreement that's in front of you?**

3

4 MR. GLEASON: And could we have that marked
5 as exhibit number one, please?

6

7 (Hourly Fee Agreement, two pages, marked as
8 Exhibit No. 1 for identification.)

9

10 **Q. And with regards to Exhibit number 1, is it your**
11 **testimony that that document reflects an agreement**
12 **between yourself and with [Daddy] and Nancy**
13 **Madore?**

14 A. It reflects an agreement between Nadeau
15 Associates, PA and [Daddy] per the request of
16 [Nancy Madore], or [Nancy Madore], or
17 Nancy Madore, or whatever name she had at the time.

18 **Q. Again, I'm just not clear. Are you saying that**
19 **Nancy Madore is part of the agreement that's in front of**
20 **you as Exhibit number 1?**

21 A. She is not referenced in this agreement.

22 **Q. Okay. And, as a matter of fact, someone is;**
23 **aren't they? Referenced in the agreement.**

24 A. Someone is. Isn't he? Yes, [Daddy].

1 Q. Right. And this is an agreement that you sat
2 down, or executed with your signature on apparently what
3 it looks like, either November 15th of '05 or November
4 12th of '05, on behalf of Nadeau and Associates PA with
5 one [Daddy]; is that correct?

6 A. November 15th, 2005, yes.

7 Q. Okay. And is that, yes, to the fifteenth of
8 2005? And is it also, yes, that you executed this
9 agreement on that date with one, [Daddy]?

10 A. It apparently was returned to my firm by Mr.
11 Madore via mail, and I never met [Daddy].

12 Q. I'm not asking you that though.

13 A. I'm answering your question, counselor.

14 Q. I'm asking you if you executed with, to your
15 knowledge, one [Daddy] on November the 15th, 2005?

16 A. My signature appears on this document with a date
17 of November 15th, 2005.

18 Q. Forming a contract between yourself, Nadeau and
19 Associates, PA, and [Daddy]; correct?

20 A. Yes.

21 Q. Any other name listed any other place on this
22 particular agreement?

23 A. Not in this document itself, no.

24 Q. Alright. Thank-you. Now, the reason that

1 you've, that people enter into Fee Agreements and
2 contracts, is for purposes of memorializing the
3 agreement; fair?

4 A. That is a reason, yes.

5 **Q. Alright. Do you have any documents, such as this**
6 **Fee Agreement Contract, memorializing any agreement**
7 **between yourself and [Nancy Madore] signed by both parties**
8 **and announcing, indicating what the agreement is?**

9 A. Your subpoena did not ask me to bring documents
10 with me. However --

11 **Q. I didn't ask you that. I'm asking you a very**
12 **specific question.**

13 A. There were a number of writings that have been
14 produced, counselor.

15 **Q. Didn't ask you that.**

16 A. The -- I've answered. The answer is, yes.

17 **Q. I'll repeat my question. Do you possess any**
18 **written documents executed by both parties, yourself and**
19 **Miss Madore, announcing or indicating an agreement**
20 **between the two of you as to the responsibilities of**
21 **both relative to this contract dispute that you've**
22 **described as listed in Exhibit 1?**

23 A. If, your question is whether there is a signed
24 document that bears both of our signatures; the answer

1 is, no.

2 **Q. Okay. And that wasn't my question though. Is**
3 **there any document that also announces, indicates, what**
4 **any agreement between the two of you is relative to this**
5 **contract dispute signed by both of the parties?**

6 A. Yes, there are a number of e-mails that have been
7 transpired.

8 **Q. Any one document signed by both of the parties,**
9 **counselor?**

10 A. I have just answered that question, counselor.

11

12 MR. MERRITT: Objection. He's asked and
13 answered.

14

15 **Q. Announcing, indicating an agreement of a promise**
16 **to pay?**

17 A. I don't understand your question. I think I
18 answered your question.

19 **Q. Okay. Alright. Now, this particular debt is**
20 **between, or the debt announced, indicated in this**
21 **agreement, this contract is between the law firm and**
22 **[Daddy]. Is that what this contract speaks to?**

23 A. You're referring to your Exhibit 1?

24 **Q. Yes.**

1 A. Yes, it does. That's right.

2 **Q. Okay. And the debt, which has been listed as in**
3 **count one as \$6,239.50, as of March 15th, 2010, is**
4 **you've made a personal claim; is that correct?**

5 A. As of this time, yes. As of the lawsuit, yes.

6 **Q. As of the lawsuit?**

7 A. Yes.

8 **Q. Well, does somebody else own this debt?**

9 A. Nadeau and Associates, PA owned it. Nadeau and
10 Associates was resolved. I was the sole shareholder.
11 I survive as to its rights and am enforcing those rights.

12 **Q. Okay. Pursuant to the dissolution of Nadeau and**
13 **Associates?**

14 A. Yes.

15 **Q. Okay. And regarding that dissolution of Nadeau**
16 **and Associates, by what process was that dissolved?**

17 A. By the filing of Articles of Dissolution with the
18 Maine Secretary of State's Office.

19 **Q. Okay. And when was that done?**

20 A. It was in early September, 2007. I don't recall
21 the exact date.

22 **Q. And that's what? The Secretary of State's**
23 **Office in New Hampshire; did you say?**

24 A. In Maine.

1 Q. Excuse me. I'm sorry. In Maine?

2 A. Yes.

3 Q. Okay. And what type of an entity was Nadeau and
4 Associates, PA? Am I saying that correctly, Nadeau and
5 Associates, PA?

6 A. Yes.

7 Q. What kind of an entity was that?

8 A. It was a Sub Chapter S-Corporation.

9 Q. Was it a corporation organized in the State of
10 Maine?

11 A. Yes.

12 Q. Okay. And when dissolved, it was dissolved and
13 the assets went to, the assets and liabilities went to
14 you personally; is that correct?

15 A. Ultimately, yes.

16 Q. What do you mean when you say, "ultimately"?

17 A. Nadeau and Associates filed for corporate
18 bankruptcy in early February 2008. Its assets and the
19 right to deal with liabilities became the property of
20 the bankruptcy trustee while that corporation was in
21 bankruptcy until he abandoned them.

22 Q. That's the standard procedure; correct?

23 A. Yes.

24 Q. And you can, you're an experienced -- I think,

1 **you mentioned during the deposition of [Daddy],**
2 **that you're an experienced bankruptcy attorney?**

3 A. Reasonably experienced. There are certainly
4 bankruptcy attorneys who are more experienced than I.

5 **Q. And you filed your, the business bankruptcy in**
6 **February of 2008; is that what you indicated?**

7 A. Yes.

8 **Q. Alright. And --**

9 A. The corporate bankruptcy, yes.

10 **Q. And when was that closed?**

11 A. I don't recall the date. There were a number of
12 events during the course of that bankruptcy case. The
13 discharge was issued later on in 2008.

14 There was subsequent litigation concerning the
15 bankruptcy that kept it alive until the spring of 2010
16 was finally concluded then.

17 And somewhere along the way, I'm trying to recall
18 if there was a termination. But I don't remember.
19 I have, I believe there was a termination of the
20 bankruptcy. I don't think it was a discharge. There
21 was no discharge. It was called termination.

22 **Q. What's the difference?**

23 A. When it, do you do -- I don't know if you do
24 bankruptcy a lot. It sounds like you don't, but.

1 **Q. Don't let my stupidity confuse you.**

2 A. I haven't. Corporations going through
3 bankruptcy, are subject to terminations opposed to
4 discharge. They don't formally get a discharge.
5 They get a termination of the bankruptcy
6 following the full administration. So, that's what
7 happened following the trustee.

8 **Q. So, actually, they -- well, then, did you just**
9 **clarify your answer that -- actually, what happened is**
10 **that the bankruptcy -- what was it? Was a Chapter 7; is**
11 **that what it was?**

12 A. Yes.

13 **Q. The Chapter 7 relative to your business, it was**
14 **terminated versus discharged?**

15 A. Right.

16 **Q. That would have been an error if you had**
17 **indicated that there was a discharge, or I heard it**
18 **incorrectly?**

19 A. That's right.

20 **Q. But there actually would have been a termination?**

21 A. There was a termination and abandonment by the
22 panel of assets and rights to claims.

23 **Q. And if I indicated to you that, that termination**
24 **occurred on or about February of 13th of 2009; might**

1 **that refresh your memory?**

2 A. That's probably correct, yes.

3 **Q. And you were indicating in your earlier answer**
4 **that the discharge occurred sometime in 2010.**

5 **When you used the word "discharge", you're**
6 **actually talking about your personal, the litigation**
7 **involving your personal bankruptcy; aren't you?**

8 A. Yes.

9 **Q. Right?**

10 A. And that, yup. Yup.

11 **Q. Right.**

12 A. And, no, I was not referring to a discharge there
13 with respect to me personally.

14 **Q. Hang on.**

15 A. I just want to clarify the record.

16 **Q. No, my questions are fine. I'll get to that in a**
17 **second. Your discharge actually occurred in 2008**
18 **personally; didn't it?**

19 A. Yes, I believe so. The personal discharge, yes.

20 **Q. Right. Right. And the litigation that you've**
21 **been referring to wasn't actually with regards to your**
22 **business as you've answered in your earlier question.**

23 **It was actually involving you personally; wasn't it?**

24 A. That's not really true. But, it was filed with

1 the contents of my personal bankruptcy.

2 **Q. Right. I was asking about the litigation that you're**
3 **referring to that went on for a period of time, was**
4 **litigation involving your personal bankruptcy; wasn't**
5 **it?**

6 A. There were two matters of litigation in my
7 personal bankruptcy. The first was adversarial
8 proceedings involving the treatment of divorced, related
9 attorney fees.

10 **Q. Is that [Old Lawfirm's Receivable Account]?**

11 A. No. No, that was involving my new ex-wife in the
12 divorce case that I had with her.

13 **Q. What was the [Old Lawfirm's Receivable Account] claim?**

14 A. There was no...[Old Lawfirm's Receivables Account] was simply
15 one of the...[Old Lawfirm's Receivable Account] were simply
16 clients of Nadeau and Associates, PA, against whom the
17 Arbitration Award had been issued and technically it
18 only named [Old Lawfirm's Receivable Account] -- that
19 particular account was part of the corporate bankruptcy.
20 And, nevertheless, became an issue in my personal
21 bankruptcy as a subject of an adversarial complaint, but
22 she was not a party to that.

23 **Q. Let me see if I've got it correct. You had listed [Old**
24 **Lawfirm's Receivable Account] as a receivable originally in**

1 your corporate **filing; is that correct?**

2 A. I'm trying to recall now. It was -- it's value
3 was listed as receivable, yes.

4 **Q. What the litigation was, is that you had**
5 **actually filed a civil lawsuit personally to collect**
6 **on the indebtedness of what you just described as a debt**
7 **of Nadeau and Associates PA; correct?**

8 A. Yes.

9 **Q. And --**

10

11 THE WITNESS: Why is this relevant,
12 counselor?

13 MR. GLEASON: Are you, again, acting in your
14 own capacity?

15 THE WITNESS: Yes, I'm an attorney. So,
16 although --

17 MR. GLEASON: You've indicated for purposes
18 of this record, that you have counsel with you today;
19 and I would ask you to please behave yourself as a
20 witness in this case.

21 You know the rules. You're a witness. You
22 have a very capable attorney sitting right there.

23 THE WITNESS: Yes. Yes. And I am not going
24 to answer questions that are irrelevant.

1 MR. GLEASON: The issue is, the issue goes
2 directly to who owns this debt.

3 THE WITNESS: Then, counselor, just a
4 moment. You're not going to harass me. The issue is:
5 How is this relevant to my claim? Concerning -- how on
6 God's green earth is this relevant to my Complaint?

7 MR. GLEASON: Counselor, I'm going to take a
8 little break. You're a very capable attorney. I
9 already know that.

10 Would you, please, talk to your client or --
11 that he's either going to be the attorney -- if he's
12 going to be the attorney in this room, then I'm going to
13 have to ask you to leave.

14

15 (Off the record at 10:29 a.m.)

16 (Back on record at 10:34 a.m.)

17

18 MR. GLEASON: I've been asked by counselor
19 if I would give an offer of proof, after being outside
20 of the room for some three to five minutes, and I told
21 him I would be happy to give him an offer of proof.
22 Part of the reason that I'm exploring this
23 particular area is relative to the ownership of any
24 debt.

1 And one of our defenses in this case, is
2 going to be that this debt is not owned by or the
3 property of Mr. Robert Nadeau.

4 Now, as to my questions, we were chatting
5 about your bankruptcy proceeding.

6

7 **Q. Specifically, I'm asking you to clarify. You had**
8 **indicated that your business bankruptcy was kept open**
9 **until 2010 when there was a discharge.**

10 **In fact, that was your personal bankruptcy that**
11 **was kept open or reopened and litigated up to and**
12 **including 2010; correct?**

13

14 MR. MERRITT: Objection. I'm not really
15 sure what the question is. It was a long, dissipation
16 of what he's already testified to.

17 MR. GLEASON: Well, he didn't.

18 THE WITNESS: The question, frankly,
19 confused me, too. It sort of rambled.

20

21 **Q. Okay. You had indicated earlier that there was**
22 **litigation involving your business filing; correct?**

23 A. That's a matter of public record, yes.

24 **Q. Alright. And, in fact, the litigation was filed**

1 **relative to your personal bankruptcy; wasn't it?**

2 A. It was in the name of the personal bankruptcy,
3 yes.

4 **Q. Right. And your business bankruptcy was**
5 **terminated in February, as we've indicated, on February**
6 **the 13th or about February of 13th of 2009; correct?**

7 A. I believe that's about right, yes.

8 **Q. Alright. And it is your statement, again and I**
9 **believe that this question has been asked and answered;**
10 **but I just want to make sure the record is clear.**
11 **You are stating that you personally own the debt**
12 **that was listed as of March 15th of approximately**
13 **\$6,239.50; correct?**

14
15 MR. MERRITT: Objection. I mean, he's
16 answered this many times.

17
18 **Q. Although, as he's answered it, I indicated that I**
19 **might have already asked it before.**

20 A. Move on. Next question.

21 **Q. Is your answer: Yes?**

22 A. You've asked, and I've answered the question.

23 **Q. Was your answer: Yes?**

24 A. You can refer to the record. Next question,

1 please.

2

3 MR. GLEASON: Could you go back to the
4 record?

5 (Testimony read back.)

6

7 **Q. And you've indicated that you became the owner of**
8 **that debt pursuant to a dissolution filed with the**
9 **Secretary of State's Office?**

10 A. No, I did not indicate that.

11 **Q. Right. Because that would be false if you had**
12 **answered that; wouldn't it have?**

13 **If that was your answer in the record, that would**
14 **be false; wouldn't it?**

15 A. I don't recall there being any answer in any
16 record that that was my personal asset in 2007. If,
17 that's your question.

18 **Q. No, my question was, is: As to the end of your,**
19 **as to the end of your business and how your business**
20 **ended and what happened to its assets and liabilities,**
21 **do you recall that discussion from a few moments ago?**

22 A. Yes, somewhat. Yup.

23 **Q. And as a matter of fact, isn't it true that your**
24 **answer was relative to and then in dissertation in part,**

1 **that the assets and liabilities endured to you**
2 **subsequent to the dissolution filed with the Secretary**
3 **of State's Office in the State of Maine?**

4

5 MR. MERRITT: Objection. He's answered this
6 question.

7

8 A. That's not what I said, counselor. You are --
9 you're twisting things.

10 **Q. Then the answer is: No, you didn't answer that?**

11 A. The corporation continued to own its accounts,
12 which were subsequently placed in a bankruptcy and
13 administered by a trustee.

14 **Q. Right. If it's reflected in the record of your**
15 **answers here today that the assets and liabilities**
16 **flowed to you pursuant to a dissolution filed with the**
17 **Secretary of State's Office in the State of Maine, that**
18 **would be an inaccurate description of what transpired?**

19 A. You're taking things out of context, counselor.
20 Which is typical of you. But, frankly, as you know as
21 an experienced attorney --

22 **Q. What's your answer?**

23 A. I've, I'm giving you my answer. Notwithstanding
24 the usual result, which is, that a dissolved

1 corporation's assets become the property of its
2 shareholder or shareholders.
3 That result is stayed pending the administration
4 of that corporation's assets by the panel trustee.
5 So, until the panel trustee was done with those
6 assets, they were not assets. They could not be assets
7 that a shareholder could himself take possession of and
8 administer.

9 **Q. Because they're owned by the trustee estate;**
10 **correct?**

11 A. Right.

12 **Q. That's what you're talking about?**

13 A. Right.

14 **Q. And that determination, is made for some**
15 **period of time after an analysis of the particular case;**
16 **fair?**

17 A. By the panel trustee?

18 **Q. By the panel trustee. And at the conclusion, as**
19 **an example in your case there was a termination on or**
20 **about February the 13th of 2009. And that's the**
21 **conclusion that you're talking about; fair?**

22 A. That's a conclusion, yes.

23 **Q. Alright. And as a matter of fact, a conclusion**
24 **in this particular case which --**

1

2 MR. GLEASON: Would you like to take a
3 minute?

4 THE WITNESS: I'm listening to you.

5 MR. GLEASON: Sir?

6 THE WITNESS: Yes?

7 MR. GLEASON: You're not permitted to
8 communicate with your phone. Are you texting somebody?
9 For purposes of the record right now --

10 THE WITNESS: No, I'm not.

11 MR. GLEASON: I'd ask you to put the phone
12 down. You're not permitted to use a phone.

13 THE WITNESS: I'm just --

14 MR. GLEASON: And I would object to what
15 you're doing.

16 THE WITNESS: That's fine. Alright. Carry
17 on.

18 MR. GLEASON: For purposes of the record, I
19 would ask you, Steve, Attorney Merritt, to instruct your
20 client that that type of communication is totally
21 inappropriate.

22 It's akin to picking up a telephone and
23 asking perhaps somebody for an answer, or an
24 explanation, or to check something and to provide

1 information in the middle of a deposition.

2 And I would ask, for purposes of the record,
3 that you instruct your client to turn off his phone.

4 THE WITNESS: I can do that. I can turn it
5 off. That's fine.

6 And for the record, counselor, this e-mail
7 that I just opened up on my Blackberry was from my
8 office, and it had nothing to do with this case
9 whatsoever.

10 MR. GLEASON: Yes.

11 THE WITNESS: Yourself, for the purposes of
12 the record, I'll be happy to instruct that we will keep
13 our electronic devices off.

14 MR. GLEASON: Thank you.

15

16 **Q. And, sir, again my question is: Is that, in**
17 **fact, the conclusion that you're talking about?**
18 **That you say there's a conclusion in this**
19 **particular case involving Nadeau and Associates, PA, in**
20 **fact was the conclusion because it was terminated in or**
21 **about February 13th of 2009?**

22

23 MR. MERRITT: Insomuch as your questions,
24 Attorney Gleason, are asking for legal conclusions? I

1 would just asking that you -- it seems that you're
2 asking him to make a legal conclusion on the nature of
3 his discharge.

4 MR. GLEASON: Well, it wasn't a discharge.

5 THE WITNESS: A termination.

6 MR. GLEASON: Right. His business. He
7 understands. He's described himself already. I'm not
8 asking for an opinion.

9 I'm asking for a factual answer. Because
10 the fact of the matter was, is, that his business filing
11 in the Bankruptcy Court was terminated not discharged.

12

13 **Q. Terminated on or about February 13th of 2009;**
14 **correct?**

15 A. The Corporate Bankruptcy was, yes.

16 **Q. Alright. And you've talked about, in one of your**
17 **earlier answers, the analysis that the trustee has to go**
18 **through to make determinations. And that's what it**
19 **takes. For example in this case, it took about a year?**

20 A. Evidently, yes. Well, I think, yes. My
21 understanding is that terminations take about a year
22 from the time of filing.

23 **Q. Right. And the termination, what did that mean**
24 **as it related to your filing? Because you were -- not**

1 **only were you the hundred percent stockholder, you are**
2 **the president of your corporation; correct?**

3 A. Um-hmm.

4 **Q. Is that a, yes?**

5 A. Yes.

6 **Q. And you were also the attorney who filed and**
7 **prepared everything?**

8 A. I was an attorney who filed and prepared the
9 corporate bankruptcy, yes.

10 **Q. Well, didn't you indicate on your filing that you**
11 **were the attorney?**

12 A. I believe I did. There was another attorney
13 working in my law firm who was also counselor in that
14 case.

15 **Q. Okay. And involving your business filing?**

16 A. Yes.

17 **Q. Okay. And do you have any recall as to**
18 **whether that other attorney was listed anywhere on your**
19 **Chapter 7 filing with the Bankruptcy Court in the State**
20 **of Maine?**

21 A. I don't recall.

22 **Q. Who was that other attorney that you've just**
23 **described?**

24 A. [Attorney in Bob's office].

1 Q. Can you spell his last name, please.

2 A. [Spelling of the name of the attorney in Bob's office]

3 Q. Now, one of the questions I had asked earlier was,
4 relative to [Old Lawfirm's Receivable Account], do you
5 recall that name?

6 A. I recall the name.

7

8 THE WITNESS: I don't understand the
9 relevance. So, again, unless you want to make an offer
10 of proof to me regarding what, why anything --

11 MR. GLEASON: I'm not going to make an offer
12 of proof regarding anything, sir. Your job here is, and
13 you know the rules; and if I've got to go to a courtroom
14 to deal with this --

15 THE WITNESS: Let's --

16 MR. GLEASON: As a matter of fact,
17 therefore, you have a duty --

18 MR. MERRITT: It's the nature. It's the
19 nature of the question. Whether or not he recalls
20 [Old Lawfirm's Receivables Account]; is that your question?

21 MR. GLEASON: I'm asking if he did, right.

22 MR. MERRITT: You can answer that.

23

24 A. I recall [Old Lawfirm's Receivable Account].

1 **Q. Right. And as a matter of fact, one of the issues**
2 **was that the second piece of litigation that you are**
3 **referring to that was involved in your personal**
4 **bankruptcy?**

5 A. That's a matter of public record.

6 **Q. Is your answer, yes?**

7 A. [Old Lawfirm's Receivable Account] was a claim involving an
8 account the law firm owned. Pertinent to -- was an
9 aspect of an adversarial complaint that was filed in my
10 personal bankruptcy.

11 **Q. And are you stating today that that asset was**
12 **owned by the business?**

13 A. Yes.

14 **Q. Okay. And as a matter of fact, is that how you**
15 **had originally -- did you originally list it as an asset**
16 **of your business in your filing in February of 2008?**

17 A. It was actually included. There was no omission
18 with respect to its specific listing by name, but it's
19 value was included in the Schedule B.

20 **Q. Right. And as a matter of fact, did you file an**
21 **amendment relative to the matter involving [Old Lawfirm's**
22 **Receivable Account]?**

23 A. I believe I did, yes.

24 **Q. And as a matter of fact, your filing of the amendment**

1 **preceded the litigation that was filed involving,**
2 **your personal Chapter 7; correct?**

3 A. Yes.

4 **Q. Alright. Who filed that?**

5 A. The adversarial rule proceeding, yes.

6 **Q. Who filed the adversarial rule proceeding?**

7 A. The U.S. Trustee's Office.

8 **Q. And what, the U.S. Trustees were concerned with,**
9 **was something; correct?**

10

11 MR. MERRITT: Objection.

12 THE WITNESS: Why is this relevant,
13 counselor?

14 MR. GLEASON: It's as to the ownership
15 stating directly on who owns this particular debt.

16

17 **Q. Now, the trustee's concern was, in fact, that**
18 **you had for periods of over sixteen months, had**
19 **continued to pursue personally a debt that you didn't**
20 **own; correct?**

21

22 MR. MERRITT: Objection. You're asking him
23 leading questions constantly.

24 MR. GLEASON: I'm entitled to.

1 THE WITNESS: Counselor.

2 MR. MERRITT: He's --

3 MR. GLEASON: He's opposing party.

4 THE WITNESS: As you know, that case was
5 dismissed.

6 MR. GLEASON: Now, my question is what you
7 have to answer.

8 THE WITNESS: That's your opinion.

9

10 **Q. Sir, isn't it true that for sixteen months,**
11 **that you had been pursuing the debt of [Old Lawfirm's**
12 **Receivable Account] from a personal capacity?**

13

14 MR. MERRITT: How does [Old Lawfirm's Receivables Account]'s
15 debt have anything to do with this particular debt?

16 MR. GLEASON: Because, it will go directly
17 to who's the owner of that debt. That Mr. Nadeau
18 indicated in Count, One, that he says he owns, and that
19 we're contesting.

20 THE WITNESS: Counselor, [Old Lawfirm's Receivables
21 Account]'s debt was established pursuant to a Fee
22 Arbitration Commission determination.

23 That case was styled listing me personally
24 as the respondent. That occurred because of internal

1 fee arbitration rules. It was not correct.
2 It was not a correct captioning. The
3 correct captioning should have been [Different wording for
4 [Old Lawfirm's Receivables Account] versus Nadeau and
5 Associates, PA. But the rules of the Fee Arbitration
6 Commission do not reference any law firm as a
7 respondent. They always focus on just an attorney or
8 perhaps a number of personal attorneys.
9 That's simply their own internal procedure.
10 That did not in any way change the character of
11 ownership of that account.
12 The ownership of that account always
13 belonged to the corporation. In the corporate
14 bankruptcy, it was styled, it was listed, as I recall,
15 [Old Lawfirm's Receivable Account] versus Robert Nadeau.
16 It may have been styled as, you know --
17 actually, I have it too. I can probably look here.
18 MR. GLEASON: I thought you would.
19 MR. MERRITT: No.
20 THE WITNESS: No. I have my personal
21 bankruptcy. I don't have the corporate one.
22
23 A. It may have been, been styled -- I don't recall
24 how it was styled in the corporate bankruptcy. I think

1 it was styled consistent with the Fee Arbitration, but
2 it was, nevertheless, treated as corporate assets.
3 So, when subsequent State litigation occurred,
4 that State litigation seeking to enforce the Fee
5 Arbitration Order.

6 **Q. What do you mean by, "subsequent State**
7 **litigation"? What do you mean by that? Are you talking**
8 **about the Fee Arbitration?**

9 A. No, the enforcement.

10 **Q. The lawsuit that was filed by you in the**
11 **Springvale -- is it Springvale District Court?**

12 A. Springvale District Court.

13 **Q. Is that it?**

14 A. To enforce the fee award for the benefit of the
15 corporation. It was pursued in the same name as it was
16 styled by the Fee Arbitration Commission.

17 **Q. Right. Because, in fact, what you're saying just**
18 **so that we're clear on the record, is that what you**
19 **subsequently did after filing your petition,**
20 **is you filed a lawsuit personally, making a**
21 **claim for the Fee Arbitration Award that was \$15,000.00;**
22 **correct?**

23 A. It was filed in my personal name consistent with
24 the Fee Arbitration Commission Award. It was not for my

1 personal benefit.

2 As a matter of fact, if you would carefully look
3 at the corporate bank subsidy schedules, you will see
4 that other Fee Arbitration Awards were also listed.

5 They, too, were awarded to me personally. They
6 were, nevertheless, scheduled as corporate assets. They
7 were the property of the trustee.

8 If you also knew what happened, there were times
9 when including the [Daddy] matter, that the trustee
10 specifically authorized me to engage in the collection
11 of corporate accounts for the benefit of the bankruptcy
12 estates because he asserted he lacked the resources of,
13 he was not an attorney, number one; and number two, he
14 asserted that he lacked the resources. So, he did not
15 object to those things.

16 **Q. And that trustee was the name of who?**

17 A. John Turner.

18 **Q. Right. And did you put John Turner on alert that you**
19 **were personally pursuing, as you say on the behalf of the**
20 **estate, the [Old Lawfirm's Receivable Accounts]?**

21 A. Again, I don't -- the answer is, no. No.

22

23 THE WITNESS: But, I'm going -- also going
24 to object to the relevance.

1 It's not relevant. Counselor, it really
2 isn't, and you can't even explain why it is.

3

4 **Q. The answer that you just provided at length where**
5 **you were given authority by the trustee, Mr. Turner, to**
6 **collect debts because they didn't have the resources,**
7 **was relative to the enumerated claims or assets of your**
8 **estate; correct?**

9 A. No, it's relative to every asset that belonged,
10 every account receivable that belonged to Nadeau and
11 Associates, P.A. The impression that I had was that he
12 understood.

13 **Q. Who is "he"?**

14 A. Mr. Turner understood and was happy with the fact
15 that -- because he didn't have the resources to pursue
16 collection of these claims, that would benefit the
17 estate, the bankruptcy estate.

18 That, he was fine with my efforts to collect on
19 those accounts, and to turn the funds over to him.
20 Which, is what happened.

21 **Q. And it happened after, though, there was a filing**
22 **of an adversary petition; correct?**

23 A. No. As I recall, I'm trying to think of the
24 account where I was administering the estate, liquidated

1 and turned cash over to him.

2 **Q. I'm talking -- stay on [Old Lawfirm's Receivable Account].**

3 A. No. No. You can't do it in isolation.

4 **Q. I'm asking you about [Old Lawfirm's Receivables Account].**

5 A. Well, [that account] has never paid the claim.

6 **Q. Right. To your earlier answer whereby you were**

7 **indicating that there were monies paid into the estate is**

8 **incorrect because there were no monies paid --**

9 A. No.

10 **Q. -- by [Old Lawfirm's Receivable Account].**

11 A. Not [that account] but other similar situations.

12 **Q. Sir, we're going to stay focused on [Old Lawfirm's**

13 **Receivable Account]. I'm not asking you about anyone else**

14 **other than [Old lawfirm's Receivable Account].**

15 **And, sir, isn't it true that you amended your**

16 **petition some sixteen months after your 341 Creditors'**

17 **Hearing?**

18 A. Yes.

19 **Q. Alright. And 341 Creditors, just for purposes of**

20 **the record, what do you understand a 341 Creditors'**

21 **Hearing to be?**

22 A. From sixteen months -- wait a minute.

23 **Q. No. I'm asking you what you understand a 341**

24 **Creditors' meeting to be?**

1 A. February 2008 to February 2009, twelve months;
2 not sixteen months.

3 **Q. Is it your understanding that your October 4th --**

4 A. Eleven months.

5 **Q. -- your October 4th, 2007, creditors' meeting is**
6 **eleven months before, or did I just refresh your memory**
7 **as to when your Creditors' Hearing was?**

8 A. The Creditors' Hearing with the Bankruptcy, the
9 Corporate Bankruptcy, occurred in March of 2008. The
10 Corporate Bankruptcy schedule was amended; not the
11 personal.
12 The corporate was amended to correct the
13 non-reference, specifically, to the [Old Lawfirm's Receivable
14 Account] as an asset of the corporation in February of 2009.
15 So, that would have been about eleven months
16 after the creditors' meeting in the corporate bankruptcy
17 case.

18 **Q. Were you asked by Mr. Turner on October 4th,**
19 **2007, whether there were any accounts receivable that**
20 **you were pursuing in litigation that were not listed on**
21 **your filing?**

22 A. I don't recall that specific question.

23 **Q. Okay.**

24 A. But he certainly asked the question about, you

1 know, whether the information to the best of my
2 knowledge on the my personal bankruptcy schedule was
3 complete.

4 And it was, you know...the [Old Lawfirm's Receivables Account]
5 and other claims were not assets of my personal bankruptcy
6 transcript. Miss Madore was not a part of my personal
7 bankruptcy.

8 Is that what you needed to hear? It wasn't. It
9 was all under the corporation.

10 **Q. I'll ask the questions.**

11 A. Yes.

12 **Q. Now, as a matter of fact, getting back to your**
13 **termination of your business filing, the Chapter 7**
14 **filing, that termination would only ordinarily**
15 **lead to, or include an abandonment of any assets**
16 **to you as the stockholder; correct?**

17 A. That's my understanding.

18 **Q. Right. And, as a matter of fact, that's in fact**
19 **what occurred in February of 2009. When the filing for**
20 **your petition was terminated, you took over**
21 **the assets for your personal use?**

22 A. That's not really true. Correct. Because the
23 personal bankruptcy was kept open so as to the personal
24 bankruptcy assets.

1 Those assets that had been corporate assets,
2 they, too, remained subject to the panel of trustee
3 disposition.

4 **Q. Did anyone have...with regards to this Count**
5 **one, six thousand plus demand that you're making pursuant**
6 **to a debt, it is an account receivable;**
7 **isn't it?**

8 A. Yes.

9 **Q. Alright. And, as a matter of fact, at that**
10 **October 4th, 2007, 341 Creditors' Hearing, you made a**
11 **representation, you made several representations**
12 **pursuant to questions that were being requested of you**
13 **in this case, by Mr. Turner, the trustee;**
14 **didn't you?**

15 A. There were a number of questions. Asked an
16 answered.

17 **Q. Your answers were given under oath.**

18 A. Yes. And what's the relevance of this case?
19 That Adversarial Complaint was dismissed, counselor.
20 Dismissed, counselor.

21 **Q. Right. Along with your personal bankruptcy?**

22 A. Yes.

23 **Q. Right. And did you...in October or about October**
24 **4th, 2007, in that 341 Creditors' Hearing, were you**

1 **asked specifically about your Schedule B?**

2 A. I don't recall if I was asked specifically, but
3 he, I'm sure, he asked the question of whether, to the
4 best of my knowledge, the petition and schedules were
5 accurate and complete.

6 **Q. Right. Alright. And as a matter of fact, did**
7 **you have, was there a security interest?**

8 **Did you indicate to the trustee, Mr. Turner, that**
9 **there was a security interest in your receivables?**

10

11 THE WITNESS: Look. Let me tell you how I
12 view all of this. Okay.

13 MR. GLEASON: I'm not interested.

14 THE WITNESS: I don't care. You're going to
15 hear it.

16 MR. GLEASON: Sir, are you refusing to
17 answer the question?

18 MR. MERRITT: He's been answering.

19 THE WITNESS: And any issues that you have,
20 or that your client thinks she has, because she thinks
21 that she's an attorney, that relates to Miss Madore's
22 case with me have nothing to do with the bankruptcy.
23 The bankruptcy case was dismissed. Anything and
24 everything pertinent to these questions, is mute. Res

1 'due carta. Okay?

2 If your client wants to try to prove that,

3 she has no legal liability with respect to this claim, have

4 at it. But what happened in my bankruptcy case, except to

5 the extent that it may have involved her particular

6 liability, is irrelevant.

7 And, frankly, even to the extent that it may

8 have involved her own personal claim, my claim against

9 her and her brother styled as [Daddy], it's irrelevant

10 anyway because the bankruptcy case has been dismissed.

11 Whatever rights I have are unaffected by the

12 bankruptcy case. And unless you're trying to establish

13 and prove a crime or some other intent that is

14 admissible under the rules of evidence, and unless you

15 want to identify it, you're not going to get...or I'm not

16 going to give you an answer to this.

17 I'm not going to spend any more time on this

18 bankruptcy case. It's just not relevant.

19 MR. GLEASON: I'm going to ask Attorney

20 Merritt to, please, get your client under control. And

21 I'd ask you again to, please, instruct him that he is

22 violating the rules relative to the proceedings.

23 This is just completely out of order. He is

24 here as a witness. He is not capable of objecting since

1 he's indicating you are the attorney of record, that,
2 you are representing him.
3 I ask you to instruct him to answer the
4 questions. Otherwise, what I'm hearing is, is that he's
5 refusing to answer the questions.
6 MR. MERRITT: He's answered questions that
7 pertain to his bankruptcy. He's answered the same
8 question several times.
9 I would like to know what it is you want
10 from him. How is it that the [Old Lawfirm's Receivable
11 Account] claim impacts, or otherwise deals with the claim
12 against your client?
13 Now, I will be happy to instruct him, if I can figure out
14 what the [Old Lawfirm's Receivables Account] claim in this
15 bankruptcy has to do with the current course of action,
16 and I will be happy --
17 MR. GLEASON: I already answered that, and this
18 is quite frankly getting ridiculous. I've answered it.
19 He has alleged, as an element of his Count 1, that he is
20 the owner of and beneficiary of that debt.
21 And what we are entitled to challenge is
22 that, no, he is not.
23 These questions are reasonably calculated to
24 lead to discoverable evidence, and I'm entitled to ask

1 the questions. And he is required to answer them.
2 And he is also required to stop and refrain
3 from giving objections. Either that's your role, or
4 it's his role.

5 Now, with regards to his demonstration, I'd
6 like to get back to my questioning.

7

8 **Q. Sir, you've indicated in that demonstration that**
9 **you've just given, that your personal bankruptcy is**
10 **dismissed.**

11 **I'm reminding you right now that I am not talking**
12 **about your personal bankruptcy. I'm asking you**
13 **specifically, in the last question relative to your**
14 **business; your business filing was not dismissed; was**
15 **it?**

16 A. Asked and answered. It was terminated,
17 counselor.

18 **Q. Right. I am just correcting what you incorrectly**
19 **gave in your demonstration.**

20 A. I didn't give incorrectly.

21

22 THE WITNESS: You are the king of
23 pontification. In the deposition of [Nancy
24 Madore] --

1 MR. GLEASON: If you want to take him --

2 THE WITNESS: -- you did not hesitate.

3

4 (Off the record at 11:06 a.m.)

5 (Back on the record at 11:21 a.m.)

6

7 MR. GLEASON: Back on. Ready? Did you want
8 to say something?

9 MR. MERRITT: I do. Just, generally, I'm
10 going to object to Attorney Gleason's line of questions
11 relative to the bankruptcy.

12 The bankruptcy has been discharged. My
13 objection is that it's mute. It speaks for itself.

14 I understand Attorney Gleason is going to
15 continue this line of questions. I've instructed
16 my client, in accordance to the applicable rules, to do
17 the best he can.

18 But, with that caveat in mind, I wish not to
19 make an objection to every question that he makes; and
20 would like you to assent and acknowledge that it's an
21 ongoing objection to this line of questions.

22 MR. GLEASON: And, I certainly have no
23 problem with a general objection ongoing, and I
24 appreciate that.

1 But, I would also ask that the witness
2 remember that, as the attorney that he is, that
3 objections are reserved until trial. And he's supposed
4 to be answering the question. Now --

5 THE WITNESS: Well, that's generally true,
6 counselor, as you know. But there are times when things
7 just become harassing.

8 MR. MERRITT: Let's get to it.

9 THE WITNESS: I'm going to do the best I can
10 to cooperate. I have to say that these questions are
11 really harassing. Because the bankruptcy, it's all
12 mute. It's --

13 MR. MERRITT: We have an objection generally
14 on the record. So, you can proceed; correct?

15 MR. GLEASON: Right.

16

17 **Q. And, just so that we're clear. Again, as you've**
18 **tried to state that the bankruptcy was**
19 **dismissed..you're referring to the personal bankruptcy**
20 **that was dismissed; correct?**

21 A. Yes.

22 **Q. Alright. But, in fact, your Chapter 7 filing**
23 **relative to Nadeau and Associates, P.A., was not**
24 **dismissed; was it?**

1 A. That's technically not correct. The term of art,
2 the statute term is, terminated.

3 **Q. Terminated. Thank you. And the statute, your**
4 **term of art, terminated, references to when the, as**
5 **you've indicated earlier, when the trustee has completed**
6 **his work.**

7 **And in this particular case, it would have resulted**
8 **in him abandoning, for example, accounts and issues**
9 **relative to accounts receivable as one point; correct?**

10 A. Well, that's...yes. At one point, yes. Yup.

11 **Q. And, as a matter of fact, you've indicated and you've**
12 **made it very clear here that, even though, for whatever**
13 **reason you were pursuing personally this claim against [Old**
14 **Lawfirm's Receivable Account], the fact of the matter is that**
15 **it was an asset of your business Chapter 7; correct?**

16 A. As was the [Daddy] claim which I was also
17 pursuing.

18 **Q. Correct.**

19 A. Notwithstanding the trustee's administration of
20 that asset as well, yes.

21 **Q. Alright. And the -- just so that we're clear.**

22 A. Or any matter.

23 **Q. When you're referring to the [Daddy] matter,**
24 **you're referring to the debt that's been referenced in**

1 **Count number 1?**

2 A. Yes. Miss Madore was also an obligor.

3 **Q. And the fact of the matter is, that those**
4 **particular claims, the [Old Lawfirm's Receivable Account]**
5 **claim and the [Daddy] claim, were parts of the estate.**
6 They were accounts of your business estate because they were
7 **accounts receivable; correct?**

8 A. Count 1, yes.

9 **Q. Right.**

10 A. And any related account pertinent to the account
11 receivable, yes.

12 **Q. In effect, there are certain rights and obligations**
13 **that exist relative to specific debts in the course of a**
14 **bankruptcy filing; aren't there?**

15 A. Yes.

16 **Q. Right. What type of rights are there given to**
17 **debts --**

18

19 MR. MERRITT: Objection.

20

21 **Q. - in a bankruptcy filing?**

22 A. I'm not sure I understand your question.

23

24 THE WITNESS: I'm sorry. Go ahead, Steve.

1 MR. MERRITT: I don't understand. Are you
2 asking him for a legal conclusion?

3 MR. GLEASON: I'm just asking if he knows if
4 there are different types of rights that are given to
5 different types of debts.

6 MR. MERRITT: If you -- actually, I'm more
7 than happy if you're going to ask him to make a legal
8 conclusion.

9 MR. GLEASON: I'm not. I'm just asking if,
10 he knows that there are rights.

11 MR. MERRITT: You can answer.

12

13 A. Are you referring to classification debts as
14 debtor owes or as to something else?

15 **Q. Yes, that. That exactly.**

16 A. There are secured, non-priority, unsecured, and
17 priority, unsecured classifications.

18 **Q. And a secured debt, is what? If, you know.**

19 A. Well, it's typically a debt that is also the
20 subject of a lien ostensibly secured by some asset.

21 **Q. Right. And did your receivables, were they
22 secured? Were they? Were they a security debt?**

23 A. They were. Actually, there was a bank, Ocean
24 Bank, that had a secured interest in my receivables.

1 **Q. Specifically the Ocean National Bank?**

2 A. Yes. At that time, that's what it was known
3 as.

4 **Q. Is this a legal entity?**

5 A. Yes.

6 **Q. And did you voluntarily provide that security**
7 **interest to the Ocean National Bank?**

8 A. The law firm did, yes.

9 **Q. Okay. And the law firm that we're talking about,**
10 **is Nadeau and Associates, P.A.?**

11 A. Yes.

12 **Q. Alright. And what Nadeau and Associates -- who**
13 **is, as you know, for purposes of these questions, you are**
14 **Nadeau and Associates P.A.; correct, you, Robert Nadeau?**

15 A. No, I'm not. There's a legal distinction,
16 counselor. As you know, I am the person who has endured
17 to its assets following the termination of the corporate
18 bankruptcy.

19 **Q. And, right. What you had done was, on behalf of**
20 **Nadeau and Associates, P.A., is you had assigned**
21 **all of your rights or some -- you had assigned a lien, to**
22 **use your earlier word, to the Ocean National Bank**
23 **relative to your receivables; hadn't you?**

24 A. Yes.

1 Q. And that gave Ocean National Bank a security
2 interest in your receivables; correct?

3 A. Yes.

4 Q. Alright. And, specifically, what was your
5 understanding of the specific security interest that you
6 gave, in your receivables, to the Ocean National Bank?
7 What rights did that establish on behalf of Ocean
8 National Bank?

9 A. Again, I'm not understanding the relevance of
10 this. So, so obviously there's a continued objection.
11 But, Ocean Bank had the right to collect on those
12 accounts receivable in the event of a default on the
13 loan. That is, I guess, the subject of your question, in
14 the event that the bankruptcy trustee chose to abandon
15 his right to collect on those assets or accounts.

16 Q. And, you've just indicated that if there was a
17 default; was there a default on the loan?

18 A. The corporation defaulted on its Ocean Bank
19 loan.

20 Q. Okay. And, specifically, how much was the Ocean
21 National Bank owed?

22 A. It's in the schedules. I don't recall,
23 counselor.

24 Q. Well, would you give us your best estimate?

1 **Would you, please, at this time?**

2 A. Again, it was roughly \$90,000.00. Again, it's
3 not relevant.

4 **Q. So, Ocean National Bank, at the time of your**
5 **filing, was owed some \$90,000.00; correct? By the**
6 **filing, by the business; correct? Owed by the business?**

7 A. Yes. Yes.

8 **Q. And they had a security interest in the**
9 **receivables, for example of [Old Lawfirm's Receivable Account]**
10 **and of [Daddy], as you've already indicated; correct?**

11 A. And there were a couple of others that
12 were scheduled, yes.

13 **Q. And that means that they were entitled to any**
14 **money that would flow from those debts as of the time of**
15 **your filing; fair?**

16 A. As of -- no, immediately prior to the time of
17 filing -- Yes, as of the time of the filing.

18 **Q. Right.**

19 A. Bankruptcy trustee's rights.

20 **Q. The trustee originally owns the debt, and decides what's**
21 **going to happen with it at that point in time; fair?**

22 A. Correct.

23 **Q. And one year later, again, this petition was**
24 **terminated. The business petition; correct?**

1 A. Yes.

2 **Q. Alright. Did you represent to the trustee that**
3 **there was a security interest relative to your**
4 **receivables? Did you represent that to the trustee?**

5 A. It wasn't asked, nor was it relevant in my
6 personal bankruptcy.

7 What was represented in the personal bankruptcy
8 case was, that I was the owner of the shares of the
9 corporation.

10 **Q. Let me save you time. I'm not talking about the**
11 **personal bankruptcy. I'm asking you relative to -- strike**
12 **the earlier question.**

13 **Relative to your business, did you represent to**
14 **the trustee and to the court that the owner of the**
15 **debts, the receivables -- that there was a security**
16 **interest in the Ocean National Bank, and thereby they**
17 **owned those particular debts?**

18 A. You're talking about --

19 **Q. Forget what I'm talking about. Did you make the**
20 **representation?**

21 A. It was not asked. It was not relevant to that
22 bankruptcy case to the best of my knowledge because the
23 corporation was not a part of that, that 341 meeting.

24 **Q. I'm not asking you, sir, you keep -- I know that**

1 I originally started to talk about the October 4th,
2 2007 filing. And I struck that question, and you know it.
3 I'm asking you: Specifically during your
4 business filing from October of two -- excuse me, from
5 February of 2008 until February of 2009, isn't it true
6 that you were representing to the court and to the
7 trustee that there was a security interest in your
8 receivables, and that you would not be pursuing those
9 receivables?

10 A. No, I represented to the court that, to the first
11 part of your question, that, to the bankruptcy
12 trustee and a schedule, that Ocean Bank had a security
13 interest.

14 I don't recall that we got into the particulars
15 as to what the scope of that security interest was, but
16 it was readily available on request.

17 Ocean Bank certainly knew what it's security
18 interest was, but it was all subject to what the trustee
19 would do with respect to the remainder of your question.

20 I, frankly, don't recall where it was, except
21 that that was not accurate what you stated.

22 **Q. How? If you don't remember my question, how**
23 **could you say it's not accurate?**

24 A. I just don't remember what it was now.

1

2 MR. MERRITT: The nature of the question was
3 somewhat compound.

4 THE WITNESS: Yes. You actually asked two
5 questions in the course of one.

6 MR. GLEASON: Okay. Okay.

7

8 **Q. Sir, isn't it true that you testified on October**
9 **4th of 2007, that the law firm held account receivables,**
10 **and that the Ocean National Bank claimed a security**
11 **interest in the law firm's accounts?**

12 A. I had done that, if it was asked. I certainly
13 would have said that if it was asked about, yup.

14 **Q. And isn't it true that with respect to your**
15 **claim, your statement was that Ocean National Bank was**
16 **listed as a creditor holding a claim without security or**
17 **priority?**

18 A. Say that again. That Ocean National Bank was?

19 **Q. With respect to your estate --**

20 A. Personal estate?

21 **Q. -- that the Ocean National Bank was listed as a**
22 **creditor holding a claim without security or priority?**

23

24 MR. MERRITT: Objection, just to the nature

1 of, you keep using the, using the word "your". It's
2 somewhat convoluted because we're talking about two
3 bankruptcies.

4 When you say "your", is it Nadeau law firm, or are
5 you talking about his personal? I am frankly confused.

6 THE WITNESS: Yes. You're obviously reading
7 from a transcript of that meeting. If you want to show
8 it to me, that would be helpful.

9 I don't understand the context of the
10 question that you're referring to either at this point.

11 MR. GLEASON: You don't. Okay.

12

13 **Q. You would like clarification of my question?**

14 A. Yes. If you show me, then I'll understand the
15 context.

16 **Q. Is it true, sir, that if you personally collected**
17 **on a receivable, that it would not be subject to the**
18 **Ocean National Bank security interest in the law firm's**
19 **account receivable?**

20 A. No, that's not true.

21 **Q. Okay.**

22 A. That's not true.

23 **Q. Now, sir, I'm going to show you a document, and**
24 **ask if you recognize the document.**

1

2 (Complaint to Revoke Discharge, six pages,
3 marked as Exhibit No. 2 for identification.)

4

5 **Q. I'm going to ask you, sir, if you recognize this**
6 **particular document, which has been marked as Exhibit**
7 **number 2?**

8 A. I do.

9 **Q. What do you recognize it to be?**

10 A. It's called a Complaint to Revoke Discharge.

11

12 THE WITNESS: Again, we have an ongoing
13 objection as to the relevance.

14

15 A. But, I recognize it.

16 **Q. You recognize the document?**

17 A. Yes.

18 **Q. And this document was brought relative for what**
19 **purpose, sir, do you know?**

20 A. Its contents are self-explanatory.

21 **Q. I'm asking if you know what they are.**

22 A. I can't get in the head of the trustee.

23

24 MR. GLEASON: Kindly ask him -- kindly --

1

2 A. It speaks for itself, counselor. I'm not going
3 to --

4 **Q. So, you're refusing to answer the question? Sir,**
5 **I'm just asking you what your understanding of the**
6 **document is.**

7 A. It's a Complaint to Revoke Discharge.

8 **Q. Based on what, sir?**

9 A. Based on the trustee's misinterpretation that the
10 [Old Lawfirm's Receivable Account] was not properly scheduled,
11 was not included in the corporate bankruptcy estate, and they
12 were wrong.

13 **Q. And, as a matter of fact, sir --**

14

15 THE WITNESS: And what's that got to do with
16 your beautiful client there.

17 MR. GLEASON: Sir, I'm going to urge you to
18 keep your attention to yourself. And the next time that
19 I hear a disparaging reference to my client, I'm going
20 to report you, sir, directly to the court, and let them
21 take action against you.

22 THE WITNESS: Counselor, what is the
23 relevance?

24 MR. GLEASON: Sir, I'm not answering any of

1 your questions.

2 THE WITNESS: Well, I'm asking: What's the
3 relevance? The matter was dismissed.

4

5 **Q. Paragraph fourteen, I'm going to ask you to read**
6 **into the record.**

7 **If you would, sir, the final sentence of**
8 **paragraph fourteen, I'll ask you to read it into the**
9 **record. Sir, I'm asking you to read it into the record.**

10 A. The final sentence?

11 **Q. Yes, that's correct. Are you having difficulty,**
12 **sir? I can read it for you.**

13 A. Counselor, would you let me read it?

14 **Q. I'm asking you to read it into the record.**

15 A. I'm reading it first myself before I decide
16 whether to read it into the record.

17 **Q. Then, may I have the document back, please?**

18 A. Certainly, if you don't want to give me the
19 opportunity to read it.

20 **Q. Sir, I'm asking you to do something. You won't**
21 **do it.**

22 **"Defendant's collection of a personal account**
23 **receivable would not be subject to Ocean National Bank's**
24 **security interest in the law firm's accounts**

1 **receivable." Sir, is that an accurate statement? Yes**
2 **or no?**

3 A. It's not an accurate statement. That is an
4 allegation that the trustee made. It's not an accurate
5 statement.

6 **Q. Okay. And, sir, I'm going to ask --**

7

8 MR. GLEASON: May we have this marked as
9 exhibit three, please?

10

11 (Debtor's Answer and Objection to Complaint
12 to Revoke Discharge marked as Exhibit No. 3
13 for identification.)

14

15 THE WITNESS: And it's not relevant for Miss
16 Madore, and I'll ask her that...A, it's not accurate; and, B,
17 that it's not relevant, too.

18

19 **Q. Do you recognize what has been put in front of**
20 **you as what is Exhibit number 3?**

21 A. Yes.

22 **Q. Alright. What do you recognize that document to**
23 **be?**

24 A. That was my answer and objection to that

1 Complaint.

2 Q. Okay. May I have it back, please. And thank
3 you, sir.

4 With regards to paragraph fourteen; Sir, and you
5 admit you were the author of what has now been marked
6 Exhibit number 3?

7 A. Yes.

8 Q. Alright. And you certainly had an obligation,
9 you understood, sir. Let me just ask you this -- you
10 understood that they were, in essence, accusing you of,
11 the United States Trustee's Office, for the Bankruptcy
12 Court were accusing you of fraud; weren't they?

13

14 MR. MERRITT: Objection.

15

16 A. That's...they were accusing me of a violation of a
17 bankruptcy statute.

18 Q. Okay. May I? Sir, I'm reading to you from
19 paragraph twenty-three as to whether your answer is
20 accurate and complete.

21 "Coupled with the fact that the claim against [Old
22 Lawfirm's Receivable Account] was pursued, and a civil
23 action filed without the knowledge of the Trustee, the
24 Defendant's behavior rises to the level of fraud."

1 I'm going to repeat my question: Isn't it
2 true, sir, that you were, in addition to the violation of
3 statute, you were being accused of fraud; correct?

4 A. No, that was part of the statute, and that's what
5 they were asserting. That was their allegation.

6 Q. Your answer is on the record. Sir, as to
7 paragraph fourteen, which you have just said is not
8 correct; Do you recall what your answer was when you
9 filed your response and answer?

10 A. I don't. Without referring to what was on file.

11 Q. Okay. Paragraph fourteen? Would you read your
12 answer that you gave and you provided --

13 A. Yup.

14 Q. -- to the Bankruptcy Court into the record
15 relative to the --

16 A. I've read it.

17 Q. I'm asking you to read; What was your answer --

18 A. Again --

19 Q. Let me finish the question. What was your answer
20 that you provided to the Bankruptcy Court? Relative to
21 paragraph fourteen, what did you say?

22 A. It's in the record. It speaks for itself, and --

23 Q. Sir, I'm asking you to read into the record
24 what you wrote.

1 A. "The Debtor admits the allegations of paragraph
2 fourteen of the Complaint, but denies the relevance of
3 them."

4

5 THE WITNESS: And if you want to know why,
6 what that meant --

7 MR. GLEASON: You've answered my question.

8 THE WITNESS: No, I have not answered your
9 question.

10 MR. GLEASON: No, you've answered my
11 question.

12 THE WITNESS: You think I have.

13 MR. GLEASON: Okay.

14 THE WITNESS: You're wrong.

15

16 **Q. My question was: What does it say? And you**
17 **read it. Thank you. Now, sir --**

18

19 THE WITNESS: And it's not relevant. You
20 guys don't get that. You can tell your client, or she
21 can tell you she thinks it's relevant, but it's not.
22 You're way off in left-field. You guys just
23 don't get it. What's that got to do with her
24 obligation?

1 MR. GLEASON: Counselor, if you could.

2 MR. MERRITT: I've asserted my objection for
3 the record.

4 MR. GLEASON: I know, thank you. But you, I
5 would ask -- you're here, sir, with a very capable
6 attorney. I would ask that you would get yourself under
7 control.

8 THE WITNESS: Well, counselor, you can do
9 the same. And I...I really don't think that a judge
10 would disagree. You really haven't, to this moment,
11 explained the relevance of any of this.

12 MR. GLEASON: Right.

13

14 **Q. Now, sir --**

15

16 THE WITNESS: I suspect it's because you
17 can't.

18

19 **Q. And, sir, with regards to the discontinuation**
20 **that's being drawn, is that the Ocean National Bank, as**
21 **you know, had a security interest relative to your**
22 **receivables; didn't they?**

23 A. Asked and answered. Yes.

24 **Q. Alright. And, however, if you have admitted**

1 to -- if, in fact -- as for Ocean National Bank and your
2 personal estate; if Ocean National Bank is listed as a
3 creditor holding a claim without security or priority,
4 then, in fact, the personal accounts receivable
5 would not be subject to Ocean Nation Bank's
6 security interest; correct?

7 A. That's not correct.

8 **Q. Okay.**

9 A. That is not correct. That's not going to change
10 the character of Ocean National Bank's rights. They
11 still have the rights in that account.

12 The fact of the matter is, is that that account
13 remained in the Bankruptcy Estate to the extent that
14 funds were collected. The panel Trustee would then
15 decide how, in the extent to this, he would fulfill
16 any obligation he had to turn the funds over to Ocean
17 National Bank by virtue of its security interest.

18 I don't know if you know, but there was separate
19 litigation in Estate Court going on with Ocean National
20 Bank, and Ocean National Bank was repeatedly given the
21 opportunities to collect on these accounts.

22 **Q. Sir, isn't it true that the Trustee relied upon**
23 **the representations of you at the Section 341 meetings**
24 **of both the Defendant and the law firm of any interest**

1 **in the law firm's accounts receivable on account of**
2 **Ocean National Bank's security interest?**

3 A. Counselor --

4

5 THE WITNESS: Go ahead, Steve, I'm sorry.

6 MR. MERRITT: I object. One, to the form of
7 the question. Number two, that you're asking him to
8 tell you what the Trustee knew or didn't know, which is
9 completely impossible for him to do; unless he's a
10 squire of sorts.

11 MR. GLEASON: I'll rephrase the question.

12 MR. MERRITT: Thank you.

13 MR. GLEASON: Certainly objections to the
14 form of the question are appropriate.

15

16 **Q. Sir, isn't it true that your representations at**
17 **the 341 Meetings in October of 2007 and March of 2008**
18 **relative to your business and your personal filings,**
19 **lead Mr. Turner -- or were intended to lead Mr. Turner --**
20 **to abandon interest in the firm's accounts**
21 **receivable?**

22 A. No. No. No. It -- he had the right.

23 **Q. You would agree with me that, in fact, that is**
24 **the very nature of one of the more serious allegations**

1 that were being made by and within the petition filed by
2 Phoebe Morse, United States Trustee; isn't that true?

3 A. That what was?

4 Q. That you were intending to lead and persuade the
5 Trustee to abandon the interests, or to abandon those
6 obligations in the accounts receivable?

7 A. No.

8 Q. Okay. Now, sir, until, or up to and including
9 this particular, what has been marked as Exhibit number
10 2, the charge alleging fraud on your part;
11 That was filed when, in relationship to the
12 termination of your business filing?

13 A. I think it was in February or March of 2009. I
14 mean, I --

15 Q. And, in fact, what it was related to, in part, was
16 the Civil filing that you filed in 2008 relative to
17 Springvale -- or, in the Springvale District Court, relative
18 to [Old Lawfirm's Receivable Account]; correct?

19 A. In about or November or December of 2008, yes.
20 And there was a Summary Judgement, I think, toward the
21 end of January of 2009 in that case.

22 Q. Right...and during the period of time when you
23 filed personally on behalf of Robert Nadeau?

24 A. That's incorrect. It wasn't on behalf of Robert

1 Nadeau. It was in my name because that's how it was
2 already styled by the Arbitration Commission.

3 **Q. So, the lawsuit was in your name; correct?**

4 A. But the asset belonged to the corporation.

5 **Q. No, sir, my question: The lawsuit making claim against**
6 **[Old Lawfirm's Receivables Account] was in your name**
7 **personally; wasn't it?**

8 A. It had to be.

9 **Q. Sir, yes or no?**

10 A. I'm answering your question, counselor.

11

12 THE WITNESS: You may not like how I answer
13 the question, but I'm going to answer the question
14 correctly.

15 If you want me to answer it in an incomplete
16 or misleading way, I'm not going to tolerate that.

17

18 **Q. You're not going to tolerate that?**

19 A. No, I'm not going to tolerate that.

20 **Q. Sir, I'm asking you a very clear question. Did**
21 **you bring the lawsuit in your name personally? Yes or**
22 **no?**

23 A. The case was brought in the name that was
24 assigned to it by the Fee Arbitration Commission, just as

1 the other Fee Arbitration Awards had to be pursued in
2 that manner, but were nevertheless the corporation's
3 assets.

4 **Q. And when you brought the lawsuit in your name**
5 **personally, sir, did you notify the Trustee that you**
6 **were proceeding?**

7 **And not just with the Arbitration Award, but that**
8 **you were proceeding to file a personal lawsuit against**
9 **an individual for an account receivable?**

10 A. The Trustee was aware that I was attempting to
11 complete on account receivables of the firm.

12 **Q. Is, sir, my question, please --**

13 A. I'm answering your question, counselor.

14 **Q. Then let me be very specific. When you filed in**
15 **October of 2008 at the Springvale District Court, in your**
16 **name personally, relative to an Arbitration Award, did**
17 **you notify the Trustee of the unilateral actions that**
18 **you were taking?**

19 A. It was my understanding that the Trustee had
20 authorized me to collect for the benefit of the
21 Bankruptcy Corporate Estate on the accounts receivable
22 that had been the asset subject of awards by the Fee
23 Arbitration Commission and had been styled in my name --
24 but belonged to the corporation.

1 **Q. And, sir, did you in fact ever receive any**
2 **communication from the Trustee or instructions from the**
3 **Trustee to so proceed?**

4 A. Yes, with respect first of all to the [Daddy]
5 matter.

6 **Q. No, I'm talking about [Old Lawfirm's Receivable Account].**

7 A. There was this course of conduct that developed
8 from that.

9 **Q. Sir, I'm asking you a specific question. You've**
10 **indicated that it was from Mr. Turner -- it was Mr. Turner**
11 **you're saying was giving you authority?**

12 A. To pursue the [Daddy] case, yes.

13 **Q. I'm asking you about [Old Lawfirm's Receivable Account].**

14 Did you ever get permission from Mr. Turner to proceed
15 against [that account] in the Springvale District Court?

16 A. My understanding was that I had that blanket
17 authority. Apparently, he did not feel that was so.

18 **Q. Okay. Because, as a matter of fact, when you made**
19 **the same representation that you've just made on the**
20 **record as to having some sort of permission or authority**
21 **or go ahead, in fact, that was adamantly denied by Mr.**
22 **Turner; wasn't it?**

23 A. Again, this is not relevant at all. But, yes,
24 apparently it was.

1 Q. So, the representation that you were alleging,
2 that somehow you had authority to proceed personally
3 against claims that would have been the property of the
4 Estate from Mr. Turner, were certainly not supported by
5 the United States Trustee's Office; were they?

6 A. Not necessarily. They dismissed, rather than
7 pursuing that claim -- counselor, you are interrupting
8 my answer.

9 Q. Please, I don't want to do that.

10 A. As I was saying, that's not necessarily so. And,
11 eventually, the Trustee's Office dismissed the case.
12 Okay.

13 Q. When you did --

14 A. They...I'm assuming, counselor, would not have
15 done otherwise if they felt that your perspective on
16 things was accurate.

17 Q. Sir, when was the adversarial proceeding
18 dismissed? Just, so we can clear the air on this
19 subject.

20 A. I don't have the date, counselor. But it was
21 sometime, I believe, in the early spring -- spring of
22 2010.

23 Q. Right. And as a matter of fact, did -- had
24 something happened? Did you do something at that time,

1 **sir?**

2 A. I'm not sure what you mean.

3 **Q. Well, sir, your personal bankruptcy was**
4 **discharged; wasn't it?**

5 A. Yes.

6 **Q. When?**

7 A. Around that same time.

8 **Q. Well, sir, wasn't your personal bankruptcy**
9 **discharged?**

10 A. You mean dismissed or discharged?

11 **Q. No, my word was discharged, sir. Did your**
12 **personal bankruptcy receive a discharge?**

13 A. It had. That didn't.

14 **Q. Exactly the answer is, yes; correct?**

15 A. No, it had. It did not become final.

16 **Q. Okay. Right, because something -- in other**
17 **words, you had been discharged; correct? But, it wasn't**
18 **final?**

19 A. Correct.

20 **Q. Right. Because somebody filed -- there were**
21 **these adversary proceedings that grew; correct?**

22 A. Well, the one particular pertinent was what you
23 received as Exhibit 2, yes.

24 **Q. Right, the [Old Lawfirm's Receivable Account] petition. And**

1 you have stated repeatedly, sir, that the claim on the
2 adversary proceeding was dismissed in or about the early
3 spring of 2010.

4 And, sir, my question is very simple: Hadn't you
5 taken an action in the spring of 2010 relative to the
6 discharge that you had already been provided?

7 A. And I answered that question. And, yes, that was
8 a stipulation of the dismissal of the bankruptcy.

9 Q. Where in the record, sir, did you say there was a
10 stipulation of dismissal relative to the your
11 bankruptcy?

12 A. In the record?

13 Q. In this record.

14 A. Are you're referring to before the discharge?

15 Q. No. No, sir. You said, as I've already
16 answered, Sir, in fact, what you have repeatedly
17 stated, is that the Trustee was dismissing the adversary
18 proceedings and actions that you were committing fraud
19 on the court.

20 When in fact, what happened was, there was an
21 agreement. You cut a deal; didn't you?

22 A. There was an agreement because they, frankly, I'm
23 sure felt that they could not prove fraud. Alright?

24 That we were simply -- rather than arguing the point any

1 further, agreed to a dismissal of the discharge.
2 Because I said, you know what? I don't know that
3 I really need the discharge anymore or care about it,
4 and I was bringing peace, too.

5 **Q. So, in other words, sir, you didn't care about**
6 **your discharge anymore; did you? Is that what you're**
7 **saying?**

8 A. Yes. Well, no, I cared about it, but it wasn't
9 worth the effort. I would simply deal with my
10 creditors. That was my view.

11 **Q. Okay. And, sir, how much debt did you discharge**
12 **in your personal bankruptcy?**

13 A. It's in the schedule.

14 **Q. What's your memory, sir? Don't you have it right**
15 **in front of you?**

16 A. I have a copy of the original disposition.

17 **Q. And what is it? The debt that you were looking**
18 **to have discharged, sir?**

19 A. Again, counselor, there will be a Motion in Limini
20 regarding all of this nonsense. But the total --
21 which category of creditors are you looking for?

22 **Q. I'm asking about -- how much debt did you**
23 **discharge, sir? Let me: What was your assets**
24 **versus liabilities, sir?**

1 A. I will have to find the summary. Well,
2 according to the amended summary of schedule, and there
3 were two or three amendments during the course of the
4 bankruptcy.

5 So, I don't know. But according to an amended
6 summary I have scheduled, your question is: What were
7 the assets and liabilities, both?

8 **Q. Versus the liabilities, yup.**

9 A. Total assets, which included two homes and my
10 personal bankruptcy, were \$972,902.10.

11 **Q. And what are the liabilities?**

12 A. Personal liabilities were listed at
13 \$1,092,478.02.

14 **Q. So, sir, is it really your testimony that you**
15 **didn't care about the discharge of a million dollars of**
16 **debt?**

17 A. Yes. Because most of the debts had already been
18 abandoned by the creditors at that point.

19 **Q. Okay. And, in fact, sir, what you had done,**
20 **isn't it; is that, faced with this allegation that was**
21 **made, is that you cut a deal where you would agree to**
22 **the dismissal of your bankruptcy in return for the**
23 **ending of this proceeding that was going against you;**
24 **correct?**

1 A. Not entirely correct, no. That's a misstatement,
2 counselor.

3 **Q. Clarify it for me, please.**

4 A. The agreement was also that I would also have
5 the right to... file Chapter 7 Bankruptcy within
6 one year thereafter if I so choose, and I haven't done
7 that.

8 **Q. And, again, they would also have the right to**
9 **reinstate their claim; wouldn't they?**

10 A. I don't recall that language at all.

11 **Q. Sir, in essence, is the kind of a**
12 **disclaimer that you've just mentioned, is actually**
13 **proceed at your own perusal; isn't it, sir?**

14 A. I --

15 **Q. Do you have a copy of this? Do you have a copy**
16 **of the Stipulation of Dismissal, sir?**

17 A. No, I don't.

18 **Q. That you've just referenced?**

19 A. Not with me.

20 **Q. Do you have it in your possession?**

21 A. I'm sure I would be -- no. It's a matter of
22 public record. You can get it. You already, obviously,
23 you can do that at your own expense.

24 **Q. Sure. There's an expense involved in getting**

1 **these documents?**

2 A. Copy charges and personal time. And, yes, and I
3 would -- it's right on the ECF system. You can get it
4 very easily.

5 **Q. Exactly. But you're refusing to provide it?**

6 A. No, I am not.

7 **Q. And, in fact, sir, when you also talked about**
8 **amendments, what was happening with your amendment, sir,**
9 **is that you were moving the [Old Lawfirm's Receivable**
10 **Account]; weren't you?**

11 A. No.

12 **Q. Did you move it?**

13 A. No, I listed it. I listed it specifically by
14 name in the corporate bankruptcy. It was already into
15 the corporate bankruptcy, but the Trustee was confused
16 because it doesn't say the name of the case. So,
17 obviously, I had to match it up with the total in
18 Schedule B.

19 **Q. Did you move it to your personal? Did you file**
20 **an amendment and move it to your personal filing?**

21 A. I don't recall. I don't think so, but it
22 belonged to the corporation.

23 **Q. Alright. Sir, do you have your personal? You've**
24 **indicated you have your personal filing in front of you;**

1 **didn't you?**

2 A. I only have one. I only have an amended petition
3 and schedule. I don't have all of the bankruptcy events
4 and documents. This one that I have is dated November
5 9th, 2007.

6 **Q. So, did you file an amendment after to your**
7 **personal bankruptcy? After your discharge was entered**
8 **in March of 2008, did you amend your personal**
9 **bankruptcy?**

10 A. I think I did. There was some -- there was some
11 effort to try to make things more in sync.

12 **Q. With the facts?**

13 A. Well, with the facts. Well, partly. Well,
14 actually with, with respect to -- I'm not sure exactly
15 what I -- there were a couple of amendments, and one of
16 them related to some additional creditors who had come
17 forward.

18 **Q. I'm not asking about that one. Why don't we stay on**
19 **the one regarding [Old Lawfirm's Receivables Account]. Did**
20 **you amend your personal bankruptcy relative to the [Old**
21 **Lawfirm's Receivable Account]'s indebtedness?**

22 A. I think I may have, and I don't actually --

23 **Q. Isn't it true, sir, that in upwards of**
24 **approximately a year after the discharge of your personal**

1 **petition, that you amended your personal petition**
2 **to include the [Old Lawfirm's Receivable Account] on your**
3 **new indebtedness on your personal filing?**

4 A. I amended the corporate petition to include the reference
5 to the [Old Lawfirm's Receivable Account] case name in the
6 schedule that dealt with the listing of account matters, and
7 litigation, or arbitration, or whatever so that it would
8 be in sync with the total already included in the
9 Schedule B of the corporation.

10 **Q. Because the litigation involving [Old Lawfirm's Receivable**
11 **Account] was never specifically listed?**

12 A. No, that was an admission we went through, is
13 that, and [my former bookkeeper] testified about that. It
14 was a mistake.

15 **Q. [Former bookkeeper] made a lot of mistakes; didn't she?**

16 A. She made several, yes.

17 **Q. Okay. And as a matter of fact --**

18 A. With, with respect to bankruptcy, yes.

19 **Q. So, it was [your former bookkeeper]'s fault that on your**
20 **Bankruptcy Petition for your business, the claim against**
21 **[Old Lawfirm's Receivable Account] was not listed?**

22 A. No, I -- ultimately, I had an obligation to move
23 carefully. So, I have to accept some responsibility as
24 well.

1 **Q. As a matter of fact, that's why you apologized**
2 **profusely; didn't you?**

3 A. To whom?

4 **Q. To the Court?**

5 A. I'm sure I apologized in some way. Profusely, I
6 don't know, but I'm sure I apologized in some way. Yes,
7 there was an error.

8 **Q. Now, sir, you would agree with me, sir, that**
9 **this debt of \$6,000.00 that you're referencing**
10 **to --**

11 A. In this case?

12 **Q. Yes. In Count One?**

13 A. Alright. Alright.

14 **Q. Would have been subject to the security interest**
15 **of the Ocean National Bank in the timeframe of your**
16 **filing; correct?**

17 A. Which filing?

18 **Q. What you were able to do is, to pursue**
19 **it because the Trustee abandoned it; correct?**

20 A. And because Ocean National Bank lost its case...
21 its litigation, and chose not to pursue it as well.

22 **Q. Sir, I'm asking you first and foremost:**

23 **Are you saying that you did not owe Ocean National Bank**
24 **\$90,000.00?**

1 A. At the time that was the case. Legally, now, I
2 don't know because there was litigation involving Ocean
3 National Bank claims and counterclaims.
4 Their claims related to their efforts to assert
5 and collect on their lien, and a judgment was issued
6 against them nullifying it all.

7 **Q. Was that claim relative to funds? To client**
8 **funds?**

9 A. It was relative to everything.

10 **Q. Was it relative to client's funds? Yes or no?**
11 **Was the claim involving the referenced lawsuit that**
12 **you're talking about, and that you've brought up, did it**
13 **have to do with client funds? Yes or no?**

14 A. That was an aspect of --

15 **Q. Raised by whom?**

16 A. -- of the lawsuit. Raised by Nadeau and
17 Associates, P.A. as I recall.

18 **Q. Exactly as you recall, sir?**

19 A. Right.

20 **Q. You brought it; didn't you? You raised it;**
21 **didn't you?**

22 A. Why are you harassing me?

23 **Q. I'm asking you. You recognized it; didn't you?**
24 **The defense, the -- client funds?**

1 A. The defense, I think there were counterclaims
2 too.

3 **Q. Sir, my question was: When was that lawsuit**
4 **brought?**

5 A. That lawsuit; are you referring to the Ocean
6 National Bank lawsuit?

7 **Q. The one you're talking about.**

8 A. -- in York District Court?

9 **Q. The one you are talking about.**

10 A. What I am talking about is a lawsuit.

11 **Q. That, I'm asking you when it was brought?**

12 A. Well, I need to clarify for the record what I am
13 talking about. A lawsuit, Ocean National Bank brought
14 against Nadeau Associates, P.A., in the York District
15 Court, I think, around October of 2007.

16 **Q. Okay. Making a claim for what, sir?**

17 A. Making a claim for collection on its entire note.

18 **Q. Against you?**

19 A. Against the corporation.

20 **Q. Okay.**

21 A. The law firm.

22 **Q. The firm?**

23 A. It was not personal. I was not a personal obligor
24 as to that.

1 Q. Excuse my misstatement. And as a matter of
2 fact, sir, one of the issues was relative to how your
3 client account had worked; wasn't it?

4 A. Yes, I think that issue was raised.

5 Q. And raised by the bank; correct?

6 A. Raised by Nadeau and Associates, I think, in its
7 counterclaim.

8 Q. And that -- the argument was that there were actually
9 client funds in the checking account.

10 A. There were several checking accounts. Which of
11 the checking accounts are you referring to?

12 Q. I'm referring to your claim, sir?

13 A. Claim?

14 Q. The counterclaim. The claim that you made in the
15 lawsuit that, in fact, there were client funds in your
16 checking account. And what was referenced as checking
17 account funds were actually mixed with client funds.

18 A. That's not true.

19 Q. Did you make the claim?

20 A. No.

21 Q. Explain the claim that you made.

22 A. Do you want to show it to me?

23 Q. Sir, I'm asking you to explain the claim that you
24 made.

1 A. I need to refer to the --

2 **Q. You don't have a memory at this time?**

3 A. Not clear enough, no.

4 **Q. Sir, I'm asking you -- I'll go on to something**
5 **else. Sir, were there missing funds in your client**
6 **funds account?**

7 A. No.

8 **Q. There weren't any?**

9 A. At that time, no.

10 **Q. And, sir, in the timeframe of -- who was your**
11 **bookkeeper? What was her name?**

12 A. [Former Bookkeeper]

13 **Q. And [Former Bookkeeper] was your bookkeeper from 2003**
14 **to 2008; wasn't she?**

15 A. To early February of 2008, right up to just after
16 the filing.

17

18 MR. MERRITT: Scott, can I use the bathroom?

19

20 (Off the record at 12:09 p.m.)

21

22 MR. GLEASON: Back on.

23

24 (On record at 12:15 p.m.)

1 Q. You've indicated in your Complaint, Mr. Nadeau,
2 that in or about May of 2007, that Miss Madore
3 interfered with your advantageous relations.
4 You've indicated that she intentionally
5 interfered with your effort and advantageous accounts of
6 secure payment regarding the debt owed to the Plaintiff
7 by the Defendant and her brother. What do you mean by
8 that?

9 A. What it says. And what she did, among other
10 things, was to try to interfere with my standing as an
11 attorney.
12 She filed grievances with the Board of Overseers,
13 and eventually also with the Judicial Committee in Maine
14 for the very clear purpose, consistent with her past
15 history, of attempting to discourage me from collecting
16 on the debt that she and her brother owed, and to so
17 negatively impact on my time and my ability to run my
18 law firm, and to earn an income from it, by virtue of
19 having to respond to so many grievances.
20 That, yes, in that respect she definitely
21 interfered.
22 Frankly, discovery is ongoing, but it is also
23 imminently clear to me that she had exercised
24 significant manipulation and deceit with respect to my

1 decisions concerning the remaining with and supporting
2 of [Maryann].

3 **Q. How is [Maryann] an advantageous relation?**

4 A. She clearly wasn't. At the time, I did not know
5 that.

6 **Q. Okay. So, you are limiting your answer then to**
7 **interference. As I understand it, interference with**
8 **your collection of a debt?**

9 A. That's originally what that Count relates to,
10 yes.

11 **Q. Okay. And by means of filing a grievance with**
12 **the Board of Bar Overseers and Judicial Conduct body in**
13 **Maine?**

14 A. To the best of my recollection, she filed at
15 least two grievances with the Board of Overseers, and
16 then one with the Judicial Conduct Committee on judicial
17 responsibility and disability.

18 **Q. And those were filed when?**

19 A. In the spring and summer of 2007.

20 **Q. And they were resolved when?**

21 A. Without referring to the documents, I can't tell
22 you. But sometime toward the end of the summer, early
23 fall of 2007, I think, the Judicial Conduct -- Judicial
24 Committee dismissal occurred several months later after

1 it saw the outcome of my divorce appeal, which your
2 client was not interested in waiting for --

3 **Q. Okay. And, so?**

4 A. -- to the extent she even had standing. My God.

5 **Q. It is someone's right, when they see or view**
6 **unethical behavior or what they perceive, to file a**
7 **grievance; isn't it?**

8 A. But they can't do it maliciously.

9 **Q. So, you're agreeing with me; right?**

10 A. No, they really need to have standing too, your
11 client...

12 **Q. Well, that's a legal interpretation.**

13 A. Well, you're asking for a legal conclusion. So,
14 you're getting a legal answer, counselor.

15 **Q. But, someone who has standing, has a right to**
16 **file a grievance; don't they?**

17 A. Yes, sure they do. She didn't have standing.

18 **Q. If Jane Doe happens to view some sort of**
19 **unethical behavior by a lawyer in a case that she**
20 **doesn't happen to be personally involved with, is it**
21 **your position that Jane Doe has no standing, or right to**
22 **file the grievance with the appropriate legal board? Is**
23 **that what your position is?**

24 A. There's a difference between standing and rights,

1 as you know.

2 Now, counselor, anybody can file. Anybody can
3 sue you for any reason, whether it's right or wrong, and
4 they may have a huge impact on you emotionally and
5 professionally, financially and otherwise.

6 But, that doesn't mean that what they filed is
7 appropriate or legally, rhetorically, or actually legal.
8 They can and only should file such things if they
9 have standing and are not doing it for malicious
10 purposes.

11 **Q. And standing means, the capacity to bring**
12 **something?**

13 A. And, if it's not based on misappropriation of
14 records and information, and invasion of privacy, and so
15 forth.

16 **Q. Sir, that would be conduct that would lead, and**
17 **such that would lead to the dismissal of a grievance;**
18 **correct?**

19 A. It may well, yes.

20 **Q. Sir, standing; you would agree with me, wouldn't**
21 **you, in a Jane Doe - if, in that case that she's not involved**
22 **with personally, she sees what appears to be unethical,**
23 **she has all the standing in the world to file the**
24 **grievance with the appropriate legal board; doesn't she?**

1 A. I can't say that that's so. No, I can't.

2 **Q. So, your position is, that if Jane, the**
3 **hypothetical Jane Doe, sees very unethical behavior,**
4 **she can't report it?**

5 A. Counselor, going to the Bar --

6 **Q. Yes or no?**

7 A. No. And I can say that, you know, anyone who, for
8 example, might go to a bar and brag about all of the
9 different women he's taken to bed, arguably if he's an
10 attorney, is not someone who, who, you know, is acting
11 in a manner that's ethical.

12 **Q. What are you talking about?**

13 A. It's just an unethical standard of an attorney.
14 But, nevertheless, that doesn't prevent someone from
15 filing a complaint, and making comments, and harassing
16 that person.

17 **Q. Sir, very simple question: Your position,**
18 **just so I understand it, is: If Jane Doe sees or views**
19 **very unethical behavior by a lawyer, she doesn't have**
20 **any standing to bring that information to the knowledge**
21 **of the appropriate Board of Bar Overseers, for example?**

22 A. She may well have standing, but the
23 responsibilities --

24 **Q. So, we're just talking hypothetically.**

1 A. That's right.

2 Q. Now, with regards to Miss Madore, you would agree
3 that she does have, if she had viewed you -- now,
4 putting her into the hypothetical; If she had reviewed
5 unethical behavior, she certainly has the standing?

6 A. That's a legal conclusion. I can't answer that.

7 Q. Fine. I'm not asking you what the issue is.
8 What your position is.

9 A. I know you don't care about --

10 Q. What we're here for today, sir, is for you to
11 answer questions.

12 A. I know.

13 Q. Now, so, she filed grievances, and the grievances
14 are the essence of your concern in 2007, relative to Count
15 number II; fair?

16 A. Okay.

17 Q. Alright. Now, on Count number III, you've
18 indicated that there was an invasion of privacy slash
19 conversion.

20 You've been indicating that during the period
21 from May 2007 through much of 2008 and well on, the
22 Defendant obtained and utilized, without the Plaintiff's
23 permission, property included but not limited to,
24 confidential interoffice communications and other

1 information belonging to the Plaintiff, that she
2 subsequently wrongfully converted to her own, and used or
3 caused to be published to third parties the Plaintiff's
4 property and information without the Plaintiff's
5 permission in an intentionally harmful manner.

6 Now, my question to you, first of all is: I did
7 read that correctly; didn't I?

8 A. Sounds like you did.

9 Q. Yup. And what evidence do you possess that she
10 obtained and utilized, without your permission, property
11 including but not limited to confidential written
12 interoffice communications, and other information
13 belonging to you?

14 A. The evidence was the context of her grievance,
15 the attachments, the exhibits that she submitted in
16 support of those grievances. Those documents, she had
17 no right to be in possession of, and she never asked me
18 for permission to possess them.

19 Q. Okay. And?

20 A. Or use them.

21 Q. And how did she get those documents?

22 A. It's very clear that she got them from
23 [Maryann].

24 Q. Okay. And I know it might be clear to you. But,

1 do you have specific information yourself, that you
2 possess that you can give to us as to how they possessed
3 that information?

4 A. Yes. Depending on which documents you're
5 referring to, absolutely.

6 **Q. Okay. Well, tell you what; in your position,**
7 **what's your information?**

8 A. If you want to show me the exhibits that were
9 included in the grievances, I would be happy to tell
10 you.

11 **Q. Do you recognize that document?**

12

13 MR. GLEASON: Can we have that marked as
14 exhibit four?

15

16 (Grievance Statement marked as Exhibit No. 4
17 for identification.)

18

19 **Q. Do you recognize that document?**

20 A. I do.

21 **Q. What do you recognize that document to be?**

22 A. This was one of the grievances that Miss Madore
23 or [Nancy Madore] --

24 **Q. May I see it again, please?**

1 A. -- filed with the Maine Board of Overseers of the
2 Bar.

3 **Q. Okay. And to your detriment; correct?**

4 A. Obviously.

5 **Q. Right. We'll get to that in just a moment.**

6 **Okay. And the allegations that you're making relative**
7 **to the invasion of privacy slash conversion, are**
8 **relative, in part, to these communications that are in**
9 **Exhibit number 4?**

10 A. The attachments to her cover letter, yes.

11 **Q. Okay. And the Count 4, which is defamation**
12 **incorporated the allegations in Counts 1, 2 and 3,**
13 **individually and collectively.**

14 **And there is not an announced indication of time**
15 **with regards to defamation because of the incorporation**
16 **of one, two, and three individually and collectively.**

17 **I assume that we're talking about the timeframe**
18 **referenced in Counts 1, 2 and 3; am I correct?**

19 A. Certainly those, but other occasions as well,
20 I'm sure. And discovery is ongoing there, but, yes.

21 **Q. What's the other times? Other than the**
22 **timeframes that are referenced in Counts 1, 2 and 3;**
23 **what are the other times that she defamed you?**

24 A. According to [Maryann]'s testimony, and I

1 realize you weren't present at some of her deposition,
2 [Nancy Madore] hated me pretty much constantly and
3 said negative things about me.

4 **Q. So, but...okay. So, the other time periods**
5 **in your Count for defamation is, you're basis for other**
6 **time periods other than what's in Counts 1, 2 and 3, is**
7 **that there were occasions where [Maryann] has**
8 **indicated that Miss Madore would say that she hated you?**

9 A. [Nancy Madore] also wrote to the media about
10 me.

11 **Q. When?**

12 A. In the summer, I think in late July or early
13 August of 2007.

14 **Q. No. No. We're talking about -- we'll get to all**
15 **of that.**

16 You said in your answer earlier that -- respective
17 to times involved, I asked you whether or not the
18 times that are referenced, which are 2007 and for
19 portions of 2008 in Counts 1, 2 and 3, were the
20 timeframes. You said: Well, yes, but there was some
21 outside of the timeframe.

22 I'm asking you for those outside of that
23 timeframe. Do you have any other evidence or time
24 periods?

1 A. What I've indicated, I mean, [Maryann] has
2 indicated, and discovery is ongoing, I still don't know
3 what [Nancy Madore] has said to whomever since the
4 timeframe you've referred to. The discovery is ongoing.

5 **Q. So, right now you don't. At the time of the**
6 **filing of this Complaint up to and including today, you**
7 **don't have any knowledge of any statements made outside**
8 **of the timeframe or any defamation outside of the**
9 **timeframe referenced in Counts 1, 2 and 3, other than**
10 **[Maryann]'s telling you that Nancy has repeatedly**
11 **stated she hates you?**

12 A. Things along those lines, yes.

13 **Q. You indicate that the public reaction to the**
14 **media and third parties, and other matters; his**
15 **personal reputation, his opportunities, his personal and**
16 **professional relationship, his feelings. What are you**
17 **referring to?**

18 A. Well, first of all, she spoke with news
19 reporters. She made, she went overboard to speak with
20 news reporters.

21 **Q. I'm sorry. Would you continue with your answer,**
22 **please?**

23 A. You asked about her media contacts, I believe.

24 **Q. Yes.**

1 A. She was observed by me at great lengths telling
2 representatives of the media in the Springvale District
3 Court in late July of, I believe it was late July 2007,
4 the kinds of information that are the subject matter of
5 her Bar grievances, as well as, discussing the subject
6 matter of that pending proceeding.

7 She subsequently went further by actually writing
8 to the media I believe in late July or early August of
9 2007, and I believe I produced her media communication
10 that is on the Internet.

11 **Q. Is that it?**

12 A. That's all I know of with respect to the media
13 communications. That doesn't mean that there wasn't
14 more.

15 **Q. Okay. So, you observed her having conversations**
16 **with the media.**

17 A. Yes.

18 **Q. Okay. You weren't part of those conversations;**
19 **were you?**

20 A. I was near. Near enough.

21 **Q. So, you could hear?**

22 A. I could hear parts of it.

23 **Q. What did she say?**

24 A. She was saying that, in her opinion, I was an

1 abusive man. She was -- in her opinion, she was making
2 reference to the client fund issue as she saw it
3 without ever asking me about it or caring to ask.

4 **Q. Okay. And what you've just indicated is, that**
5 **what she was doing, specifically, that you heard she was**
6 **giving her opinion relative to two things: You are an**
7 **abusive man, and that there was something going on with**
8 **the client funds.**

9 A. Along those lines, yes. Yes, I mean...I couldn't
10 hear everything that she was saying. And, frankly, you
11 know, I just figured, well, it's par for her
12 course. So, there was nothing I could do about it.

13 **Q. And this occurred in the time of the summer of**
14 **2007?**

15 A. What I heard, yes, was at the Springvale District
16 Court.

17 **Q. Okay. Okay. And that was at the Springvale**
18 **District Court, there was a legal proceeding going on**
19 **that morning that was involving you?**

20 A. And [Maryann].

21 **Q. Alright. And that specific legal proceeding was**
22 **relative to an allegation of abuse that was being heard**
23 **that day by [Maryann] against you; is that correct?**

24 A. There were components, but, yes.

1 Q. Alright. So, what was being openly discussed in
2 the Court was allegations that were going back and forth
3 between the two of you, her, [Maryann] and yourself,
4 each accusing the other of physical abuse; correct?

5 A. [Maryann] wasn't accusing me. Or, actually,
6 I think she did make some claim of physical abuse. It
7 was just weird. It was mostly mental abuse, I think,
8 that she was claiming.

9 Q. And what you heard in the context of what the
10 hearing was that day in the Springvale District Court,
11 is that what you stated that you heard Miss Madore
12 giving an opinion that, in fact, she thought you are
13 abusive; correct?

14 A. Yup. Yup.

15 Q. Now, you would agree with me that you were a
16 judge at the time; weren't you?

17 A. Yes, I was. Yes, as well. Not in that
18 proceeding, but.

19 Q. No. No. No.

20 A. But, I was a judge.

21 Q. But, during that time period, you were a judge.
22 You had been a judge for a period of years?

23 A. I had been, yup.

24 Q. And you certainly were a public person?

1 A. Yes.

2 **Q. And what was being discussed were matters that**
3 **were public record?**

4 A. [Nancy Madore] was keenly aware of how to
5 utilize the media because of the fact that I was a
6 public figure.

7 So, it was [Maryann] that just made it that
8 much easier and more tantalizing for them to try to do
9 the things that they would do.

10 **Q. And do you recall the date? I know you've**
11 **indicated as to the conversations. This Springvale**
12 **Court date. Do you recall the date of that?**

13 A. I don't without seeing the document. Sometime in
14 the summer of 2007. It was, I believe, in late July of
15 2007, sometime in that time.

16 **Q. Okay. Now, with regards to the intentional**
17 **infliction of emotional distress. Again, you**
18 **incorporate Counts 1, 2, 3, and 4, now individually and**
19 **collectively, that her actions against you were**
20 **intentional and calculated to cause emotional distress**
21 **to the Plaintiff.**

22 **Did I read that right? To your knowledge, does that**
23 **sound about right?**

24 A. Yes, it does.

1 **Q. Alright. And, specifically, what is it that you**
2 **allege that she did?**

3 A. I think I've already testified about much of what
4 she had done, but...

5 **Q. Including what you've already said -- is there**
6 **anything other than what you've already said?**

7 A. Oh, sure, [Nancy Madore] many times during the
8 course of my relationship with [Maryann], would
9 defend [Maryann].

10 She would assure me, or attempt to assure me, that
11 [Maryann], when she was away from home until very,
12 very late hours of the morning and sometimes well after
13 the sun came up, was only with [Nancy Madore]. And
14 that they were doing things, such as quote "girl stuff"
15 unquote.

16 Now, as I've learned since then, those are
17 misrepresentations, and she did that for the purpose of
18 assisting [Maryann] in insuring that she would have
19 housing for herself and her children, and support, and
20 investments.

21 Before I met [Maryann], before I reunited
22 with [Maryann] in July of 2005, I had no debts other
23 than a mortgage on a then marital home. A very small
24 mortgage on a house that had a lot of equity.

1 My credit rating was incredible. After meeting
2 [Maryann], everything went south. And Miss Madore,
3 I have no doubt knew what [Maryann] was actually
4 doing, including taking advantage of me throughout.
5 But affirm it may; actively misrepresented to me
6 what [Maryann] was doing, so that I would believe that
7 [Maryann] was being faithful and responsible and not
8 doing anything that would harm my earning capacity, my
9 investments, for what I thought was her benefit -- that is
10 [Maryann's] benefit, as well as mine and my future.

11 **Q. My earlier question was, and I know you've been**
12 **very thorough with that answer.**

13 **But, do you have any specific information that**
14 **she was doing it to harm you? Do you have any objective**
15 **observations?**

16 A. Because I was in Maine when [Maryann] and
17 Miss Madore -- wherever they were, together or apart,
18 depending on the occasion, I was not able to personally,
19 physically observe things.

20 I can relate one incident in February of 2007
21 involving a gentleman, a friend of Miss Madore's named
22 [Houseguy].

23 [Maryann] had represented to me that she was
24 spending time with [Nancy Madore], allegedly, as

1 always when she was away from home, while I was home
2 babysitting [Maryann's] children.

3 **Q. What's the timeframe we're talking about?**

4 A. Well, this particular incident was in February of
5 2007.

6 **Q. Alright.**

7 A. And [Maryann] left that night, supposedly to
8 go visit [Nancy Madore] and to celebrate [Maryann's]
9 birthday just a day or two after I had actually
10 visited Nancy at her store and paid some
11 \$3,000.00 for a pair of stiletto shoes for
12 [Maryann's] birthday.

13 And [Nancy Madore] knew at the time, very well, that
14 [Maryann], as I now know, was being unfaithful. And
15 [Nancy Madore] knew that.

16 **Q. My question, though, to you is: How do you know**
17 **that [Nancy Madore] knew that?**

18 A. It's clear. It's just very clear to me.
19 Circumstantially, a jury is going to find -- Well, and
20 evidence is still unfolding, but, yes.

21 **Q. Okay.**

22 A. That night when [Maryann] went back down to
23 supposedly visit Madore, [Maryann] left on my laptop,
24 which we used together, open, her e-mail staring me

1 right on the screen.
2 It was an e-mail string between her and [Houseguy],
3 who [Nancy Madore] had introduced to [Maryann] for
4 the purpose of enabling [Maryann] to find alternative
5 housing.
6 And I believe we produced a copy of that [Houseguy]
7 e-mail string during the course of this case, and during
8 your discovery requests.
9 [Nancy Madore], when I brought this e-mail to
10 her attention, first of all, expressed disbelief that
11 this kind of e-mail string was going on.
12 Which I know to be completely incredible lying
13 because she was the one who actually introduced those
14 two, but then later acknowledged in an e-mail to me that
15 she agreed that it looked bad, but wanted to assure me
16 that nothing was going on. And that [Maryann] was still
17 very faithful to me.
18 It's pretty clear from reading the content of
19 that e-mail, that [Maryann] was not being faithful.
20 It's also more than coincidental that around the
21 same time, we already know as a matter of record, that
22 [Maryann] and an associate working for me named [Rusty
23 Hammer], with whom Madore also met on a couple of
24 occasions, were having an affair.

1 Q. And the fact that [Maryann] was cheating on
2 you, as you alleged --

3 A. No, I'm not alleging. She was.

4 Q. Okay. Well, it's my question though. As you are
5 alleging that she was cheating on you, has caused you
6 great pain?

7 A. Well, that certainly has, yes. But what has also
8 caused me great pain, is the fact that [Nancy Madore]
9 went out of her way affirmatively to conceal and to
10 misrepresent those activities.

11 And I relied on those representations over a long
12 period of time, and that was really morally
13 unacceptable.

14 Q. And the time when you originally met or began a
15 relationship with [Maryann] -- when? When did your
16 relationship with her begin?

17 A. Which? The romantic relationship began?

18 Q. Yes.

19 A. In late June 2003.

20 Q. And for how long a period of time were you
21 together at that time?

22 A. Until early August, 2003. We were reunited in
23 July of 2005.

24 Q. In July of 2005?

1 A. Right.

2 **Q. Okay. And how long were you together at that**
3 **point in time?**

4 A. Until Miss Madore drove --

5 **Q. What's the date? What's the date?**

6 A. Well, I don't know the exact date, but it was
7 when Miss Madore drove [Maryann] to the York District
8 Court and convinced her at the close of business on a
9 Friday to file her PFA case to get an ex parte order.
10 But, that was in -- I don't know if she drove her
11 or encouraged her to do it. But, that was in July 2007,
12 right after my divorce judgment came in.

13 **Q. So, in July of 2007; fair?**

14 A. Yup.

15 **Q. Alright.**

16 A. And then [Maryann] and I, after [Maryann] told
17 me that -- [Maryann] told me in October or November of
18 2007, that Madore was toxic.

19 **Q. No, my question --**

20 A. [Maryann] and I reunited once again.

21 **Q. When was that?**

22 A. I'll never forget that word. Sometime in early
23 January, 2008, for a period of about four days.

24 **Q. Okay. Now, you've also made a claim that there**

1 was a claim for fraud and deceit, and that you're
2 alleging that Miss Madore induced you to provide legal
3 services and to 'part with his time and resources for the
4 benefit of the Defendant, and/or brother, were made under
5 circumstances which she knew or had reason to know that
6 she was not, in fact, honest.'

7 Have you discussed that already in your prior
8 testimony, or is there anything that you would like to
9 add with regards to specifics?

10 Because I would like to know what specifics you
11 have to justify that claim.

12 A. There were several communications, telephonic
13 communications during the course of my handling of the
14 litigation for those two, and other matters that go back
15 to Nancy Madore.

16 One of the first things that she told me she was
17 very upset about, she was very upset about the way an
18 attorney named [Lazyboy] was, in her view, had
19 mishandled their case. And that she was supporting and
20 funding her brother, and that she asked me to take a
21 look at his case.

22 One of the first things she wanted to do, was to
23 have me analyze and determine whether I agreed with her
24 that [Lazyboy] had done a substandard job.

1 And, therefore, whether she had remedies, either
2 with a Massachusetts Board of Overseers against [Lazyboy].
3 Or otherwise, she represented to me that she had once, in
4 some capacity, worked in a law firm and knew about the
5 Board of Overseers and already knew -- she knew about it
6 because she was behind [Maryann's] Complaint in 2003
7 against me.
8 She was well aware of it. Even sent me an e-mail
9 telling me. She was a man-hater, from what I recall at
10 that time. So, I agreed to take a look at the case.
11 And I intervened in connection, I think, with the
12 Fee Agreement that you've shown to me, Exhibit 1, in
13 assisting them in approaching [Lazyboy] for a refund
14 and in filing a Complaint against him with a
15 Massachusetts Board.
16 That -- I don't think went very far because [Lazyboy]
17 did agree to make a refund, which was then credited to
18 their account.
19 She also wanted to avoid spending a great deal of
20 money in the litigation by putting together a package
21 for the Distinct Attorney to review on the basis that
22 she claimed that there must be some criminality involved
23 with respect to [Daddy's] Defendants, the [Evil Contractors].
24 And she wanted me to review those things.

1 But, ultimately, she wanted to deal directly with
2 the District Attorney with respect to that. And my
3 recollection was -- and this was all happening in the
4 winter of 2005.
5 And 2006 to 2005, 2006, she represented it to me
6 that she, generally, after having me review documents and
7 advising her -- I never met [Daddy] throughout any of this
8 time.
9 That she had spoken with the District Attorney's
10 office. I'm not sure if she also -- she indicated she
11 had spoken to the police.
12 It was one or the other or both, but that she
13 wasn't satisfied that they were going to pursue anything.
14 So, she would communicate to me that, you know,
15 'we're trying to raise the funds.' There was always the
16 matter of 'we.' We, we're trying to raise as funds.
17 'I supported [Daddy] in his business throughout,
18 and I want to help my brother.' And 'don't worry, I'll
19 make sure' you get paid. 'I will pay, and I will deal
20 with [Daddy] on that.'
21 Okay. And time went on. She wanted us to
22 continue to look at the case. There were -- her brother's
23 case was a complete mess.
24 The documentation was just, I mean, you didn't

1 have a signed contract or any signed contracts at all.

2 There were a number of different properties from
3 what I recall, that were involved in his litigation.

4 **Q. As a matter of fact, their failure to have a**
5 **signed contract -- you considered to be a big problem with**
6 **the case; correct?**

7 A. Yes. But Nancy was someone who, at the time, I
8 considered to be a friend, and I took her at her word.
9 And I had her e-mail communications, as well as her
10 communications to [former bookkeeper], not only
11 promising payment, but directly, originally urging for
12 payment. She would be the one that called in credit
13 cards.

14 **Q. Is [former bookkeeper] going to be -- you've listed**
15 **her as a witness?**

16 A. Yup. She's in Florida.

17 **Q. And when was the last time you spoke to [Former**
18 **Bookkeeper]?**

19 A. About a month-and-a-half ago, two months ago
20 maybe. She was really disturbed when she got the
21 communication from you. And her opinion of your
22 Complaint and of [Maryann] is, to say the least, not
23 good.

24 **Q. Well, that's interesting. What's your opinion of**

1 **[Former Bookkeeper]?**

2 A. I think -- think [Former Bookkeeper] is a very nice person.
3 She made mistakes, but she's been forthright. And she's
4 admitted them with respect to her work as a bookkeeper
5 when she was with my firm.

6 **Q. Let's chat briefly about that. One of the**
7 **allegations that Miss Madore was making in July**
8 **of 2007, and subsequently in filing with The Board, was**
9 **that there was an issue with regards to your**
10 **client fund account; correct?**

11 A. Which had nothing to do with her account.

12 **Q. Am I correct?**

13 A. She made that allegation after getting
14 information she was not entitled to be in possession of
15 from [Maryann], who was not entitled to give it to her.

16 **Q. And we can be very specific about the timeframe,**
17 **because it's in July of 2007. Because it's simultaneous**
18 **with the ongoing Springvale Court case relative to the**
19 **abuse petitions that were going on?**

20 A. I don't know if it's simultaneous. Time-wise,
21 there's a very close connection.

22 **Q. Well, you heard. You indicated that you heard.**
23 **And specifically what she talked about, were a couple of**
24 **things.**

1 She talked to the media that she had an opinion
2 that you were an abusive man; correct?

3 A. Yes.

4 Q. And that she had -- she had an opinion relative to
5 a client fund issue; correct?

6 A. Yes.

7 Q. Alright. And that was at the Springvale District
8 Court in July of 2007; fair?

9 A. Yes.

10 Q. Right. Now, so, you knew in July of 2007 that,
11 you know, 'there is an issue with regards to my
12 client fund account.'

13 People are saying, [Nancy Madore] for one; she's at
14 least one whose saying things like that there's something
15 going on with the client-fund account?

16 A. I knew that there were within the office because
17 I had let everyone in the office know that there had
18 been a question that had arisen regarding the client's
19 trust funds, that will also had been subsequently and
20 immediately resolved.

21 [Maryann] knew that as well, but it didn't
22 matter to [Maryann], and it --

23 Q. Okay. Was that [Former Bookkeeper] who had raised some
24 issues?

1 A. She reported that there were discrepancies in the
2 client's trust account.

3 **Q. So, that's what we're talking about here.**

4 A. And that was then resolved in consultation with a
5 CPA that we retained outside.

6 **Q. So, in July of 2007, there was an ongoing matter**
7 **relative to discrepancies in the client-fund account?**

8 A. No, not an ongoing matter. It had been resolved.
9 It was a brief matter that was rapidly resolved, well
10 before Miss Madore was making her claims to the media.

11 **Q. Okay. And, again, that was [former bookkeeper]. and**
12 **what she said -- you had indicated earlier,**
13 **when you spoke to her,**
14 **she was admitting to, that she had made some**
15 **mistakes, and that she had done some things**
16 **inappropriately.**

17 A. No, she didn't admit mistakes. She said --

18 **Q. I'm asking you what I asked you earlier, about**
19 **your conversation with [Former Bookkeeper].**

20 **One of the things that you were indicating is that**
21 **[Former Bookkeeper] admitted to you that she had made some**
22 **mistakes. Are those the mistakes you were referring to?**

23 A. Not then, no, counselor.

24 **Q. Okay.**

1 A. Then she had said there was a discrepancy. She
2 admitted mistakes in February of 2008.
3 Well after your client filed her grievance.
4 Those mistakes had nothing to do with the information
5 your client was operating on.

6 **Q. Okay. But, so, when [Nancy Madore], and on**
7 **occasion I will say [Nancy Madore] or Madore by mistake. But**
8 **I'm also referring to the same person who happens to be the**
9 **Defendant in this case.**

10 **But, what Nancy Madore was saying in July of**
11 **2007 was accurate. Something had been going on with**
12 **your client-fund account -- hang on. Let me just finish**
13 **my question -- simultaneous with her saying that she had**
14 **an opinion, as you've indicated, that there was something**
15 **going on with your client-fund account, in fact, there**
16 **had been something going on; correct?**

17 A. That isn't what she was saying, counselor. She
18 was saying a lot more than that. If you want to refer
19 to her grievance, that would clarify what exactly she
20 said.

21 **Q. What I am asking you -- I'm not talking about her**
22 **grievance.**

23 A. Well, I am.

24 **Q. But, I am asking the questions. I asked you what**

1 **did you hear her say, and your response to that was: In**
2 **July of 2007, that you heard her giving an opinion**
3 **that you were an abusive person, and you heard her**
4 **giving an opinion that there was an issue with your**
5 **client-fund account. Now --**

6 A. She was representing that there were missing
7 client funds, and that was not true.

8 **Q. She gave an opinion that there were missing**
9 **client funds. And, in fact, there had been an issue**
10 **with your client-fund account. Hadn't there been? By**
11 **late July of 2007, as you were in the Springvale**
12 **District Court?**

13 A. There had been a few weeks -- I recall for Madore.
14 [Maryann] knew that Madore --

15 **Q. Did you report that problem with your client-fund**
16 **account to the Board of Overseers in the State of Maine?**

17 A. One, there was no duty to do so. Two, it was
18 quickly and promptly resolved. Okay? There was a
19 discrepancy.

20 **Q. Is your answer: No?**

21 A. I did not at that point, and it's irrelevant.
22 There's, there's no duty.

23 **Q. So, there was a discrepancy?**

24 A. And it did not involve your client.

1 **Q. Fine. You would agree with me, that everybody**
2 **has got a right to offer their own opinion; don't you?**

3 A. Yes. That doesn't mean they're right. I'm sure
4 she thinks she's right, but she's not.

5 **Q. And subsequently --**

6 A. I'm sure you're going to tell her you think she's
7 right too, but you're wrong also. I'm sorry. Go
8 ahead.

9 **Q. Now, in February of 2008, there was a problem**
10 **regarding [Former Bookkeeper] and your client-fund account;**
11 **wasn't there?**

12 A. And this is completely irrelevant.

13 **Q. Was that true? What was that problem?**

14 A. [Former Bookkeeper], as you're aware, counselor -- Nadeau
15 and Associates, P.A., was resolved in early a 2007.
16 Immediately after that, I formed a new law firm, Nadeau
17 Law, LLC.

18 **Q. Is that Nadeau Legal, LLC?**

19 A. No. Nadeau Law, LLC -- it was a Maine Limited
20 Liability Company. I was the sole manager of that LLC.
21 It took over the ongoing legal work of clients
22 who had been clients of Nadeau and Associates, P.A.
23 It did not also take over the account receivables
24 or the debts of Nadeau and Associates, P.A.

1 As a result of that transmission, [Former Bookkeeper] was
2 taxed with not only having to finish up all of the
3 accounting work pertinent to Nadeau and Associates, PA,
4 but also to start a completely new bookkeeping system
5 for the new law firm, Nadeau Law, LLC.

6 She found herself going into October and November
7 and December of 2007 feeling overwhelmed with all of the
8 extra work, and she asked me if I could hire someone to
9 help.

10 I contacted my mother, who is very experienced and
11 by then retired, a retired accountant. She just
12 retired as the Secretary for the County of York.
13 After being in a couple of other accounting
14 positions, my mother came in in December of 2007. And
15 her work was on just on Nadeau Law, I believe,
16 initially.

17 And [Former Bookkeeper] was working on trying to wrap up
18 the Nadeau and Associates P.A. work.

19 And as my mother continued to work going into
20 late January or early February of 2008, she prepared for
21 a transition because [Former Bookkeeper] had decided, for
22 whatever reasons, one of which I believe was that she
23 felt that my mother was really just too exacting with respect
24 to her accounting requirements and expectations, and how she

1 was trying to teach [Former Bookkeeper] to do things more
2 efficiently, and probably [Former Bookkeeper] decided that she
3 was going to resign as bookkeeper. And it culminated.
4 I think that decision also -- it was largely the
5 result of my mother's report to me. Discovery from -- she
6 was working, started working on the Nadeau and
7 Associates accounts, too.
8 And she had discovered that the December 2007
9 accounts reflected a substantial deficit in the client
10 trust balance as of that month. Not as of July or June
11 of 2007 or August or September or October, but as of
12 December 2007.
13 And as a result, when my mother reported that to
14 me, although I did not need to in early February, right
15 afterwards, reported - I not only had a discussion with
16 [Former Bookkeeper] --
17 [Former Bookkeeper] was very good. She apologized profusely.
18 She said 'I made mistakes.' She said -- I had all of my
19 attorneys, all of my associates, in the conference room
20 with me at the law firm, and I disclosed this revelation
21 to all of them and plans for immediately getting all of,
22 of the funds back into the client-trust account.
23 And I did that and nothing, none of that had
24 anything to do with your client's Bar grievances. None

1 of it had anything to do with your client's case. And I
2 have self-purported that. And although that also was
3 not necessarily legal.

4 **Q. Did you indicate in recent testimony that you**
5 **fired [Former Bookkeeper]?**

6 A. I don't know that we fired her. She voluntarily
7 resigned.

8 **Q. My question though: Have you testified under**
9 **oath in the recent past that you fired her?**

10 A. It may have been, been deemed as a firing. I may
11 have used that term. I mean, I was upset with her, but
12 I mean, technically what happened is, that she
13 voluntarily resigned.

14 **Q. When did you recently use the term that you fired**
15 **her?**

16 A. I don't know that I ever did. It may have been,
17 been construed by someone as having been a firing.

18 **Q. When was that testimony offered?**

19 A. Counselor, I don't know. I mean, there was a
20 Hearing recently with The Board.

21 **Q. May the 19th?**

22 A. Yes.

23 **Q. Is that the day that you testified under oath**
24 **that you fired [Former Bookkeeper]?**

1 A. I don't believe I testified that I fired her.

2 **Q. Is that the testimony that you're referring to?**

3 A. I don't know. I guess I'm asking you: What are
4 you referring to?

5 **Q. Well, you're telling us under oath that she**
6 **resigned voluntarily. Isn't it true that you testified**
7 **under oath at the Hearing on May the 19th that you fired**
8 **her?**

9 A. I frankly don't recall. I may have. But what
10 actually, if I did, if I did, what actually occurred was
11 her voluntary resignation, and that may have been deemed
12 a firing either by her or by the panel who heard the
13 testimony.

14 **Q. When did you talk to [Former Bookkeeper]?**

15 A. Most recently? I think I answered your question.

16 **Q. Specifically, you said about two-and-a-half**
17 **months ago?**

18 A. Oh, about a month-and-a-half to two months ago.
19 That's my recollection.

20 **Q. Before this Hearing on May 19th; correct?**

21 A. It was before the Hearing.

22 **Q. Because --**

23 A. It was a few weeks before the Hearing, I think,
24 yes.

1 Q. Did you talk --

2 A. She contacted me.

3 Q. Did you talk about, did you have a conversation
4 with her about her testimony relative to the events that
5 you've described in 2007 and in 2008 regarding problems
6 with the client-fund account?

7 A. One, she didn't testify.

8 Q. No. No. Did you?

9 A. So, the answer, I guess, is, no.

10 Q. Did you talk about, did you talk with her in that
11 phone call? Was it a phone call?

12 A. Yes. Well, she e-mailed me first, and then we
13 connected by phone. She was very upset that you had
14 contacted her and/or her daughter. I don't recall
15 which.

16 Q. Did you keep that e-mail?

17 A. I may have that. I'd have to look. I may have.
18 I mean, there's been a lot of cleaning up of our
19 computer because the available space has been used up.
20 So, there's been a lot of stuff that's been --

21 Q. Deleted?

22 A. Yes.

23 Q. So, there's been recent deleting to your e-mail's
24 account?

1 A. Nothing involving this case. If, you're asking
2 that.

3 **Q. I'm not asking that. Which call did you get the**
4 **phone on?**

5 A. There was an office phone, I think, it was.

6 **Q. What's the office number?**

7 A. You have it. It's 603-666-0099.

8 **Q. And she telephoned you out of the blue?**

9 A. She contacted me out of the blue, e-mail, and she
10 asked -- she wanted to speak.

11 **Q. Had she been contacted by anybody else other than**
12 **me?**

13 A. She also been, she indicated, or her daughter --
14 and I don't recall.

15 **Q. Who is Miss Gomes?**

16 A. Gomes, G-O-M-E-S, she is Assistant Bar Counsel.
17 Already, as you well know, counselor, don't play silly
18 with us.

19 I think that's unbecoming. You obviously have
20 read the decision from the Panel from just a little
21 while ago relating to the May Hearing.

22 **Q. I have? I have?**

23 A. Well, you should read it if you haven't.

24 **Q. Okay. Well?**

1 A. It's apparent to me that you don't know a few
2 things.

3 **Q. She said that they were attempting to reach out**
4 **to her; weren't they?**

5 A. Reach out, no, they were attempting to reach her,
6 reach out to her, no. No.

7 **Q. And in your conversations with her, had she**
8 **responded to them?**

9 A. I believe she indicated that she hadn't responded
10 to Miss Gomes' yet, and she wanted to know what it was
11 about. And I told her that we had a Hearing coming up.

12 **Q. So, you explained to her?**

13 A. I don't know what it is about necessarily, but I'm
14 sure it had to do with the errors on accounts and
15 probably the client-trust fund situation; and I told
16 her; 'Just so you're clear answering her questions.'

17 **Q. Okay. And, so, you didn't know what the March**
18 **19th Hearing before the Board of Overseers in Maine was**
19 **about?**

20 A. You mean, the May 19th Hearing?

21 **Q. Yes.**

22 A. You said, March.

23 **Q. My apologies. May 19th; you didn't know what it**
24 **was about?**

1 A. I knew it was about client trust issues that had
2 issued in February of 2008 and money involving --

3 **Q. Trust fund, client funds. That's what it was all**
4 **about.**

5 A. -- a person named [Former Client].

6 **Q. It was about client funds. And what was the**
7 **timeframe of the [Former Client] issue? What was the**
8 **timeframe of that?**

9 A. The real pertinent parts are January of 2007 and
10 onward thereafter.

11 **Q. To when?**

12 A. Well, until the Hearing.

13 **Q. May 19th of 2011?**

14 A. Yes, relating to.

15 **Q. So, there had been issues ongoing with [Former Client]**
16 **regarding -- his claim was for issues with regards to**
17 **his monies in your account; correct?**

18 A. Not in my account. In Nadeau and Associates.

19 **Q. Trust-fund account?**

20 A. Real estate trust account.

21 **Q. Right. And what was he claiming?**

22 A. Read the decision, counselor. I'm not even going
23 to answer this question. It's so irrelevant. It will
24 take you ten minutes. Five minutes, if you read

1 reasonably fast, to read it.

2 **Q. But, I want your answer.**

3 A. No. Read it, and then ask me questions. But
4 it's not relevant. You're harassing.

5

6 MR. GLEASON: Counselor, I would ask that
7 you instruct the witness to, please, answer the
8 question.

9 THE WITNESS: The decision will tell you in
10 as much -- go on-line. Look it up.

11

12 **Q. What was the allegation by [Former Client]?**

13 A. That Nadeau and Associates P.A. had failed to
14 release escrow funds when it obtained the authorization
15 to do so from the Superior Court, in connection with
16 litigation in which he was involved.

17 **Q. How much money?**

18 A. Oh, it was, I think it was about six thousand,
19 give or take a mis-proportion of the - of -- it was, I
20 don't know, eighteen hundred or two thousand.

21 **Q. And this issues with regards to the client-fund**
22 **accounts had been ongoing from January 2007 until May**
23 **19th, 2011?**

24 A. No. No.

1 **Q. Isn't that your answer?**

2 A. Real Estate Trust Account. That's different from
3 the Trust Fund Account.

4 **Q. Well, I'll label.**

5 A. It - well -- with -- we had an IOLTA account. There
6 was a discrepancy that was resolved by [Former Bookkeeper] as
7 soon as she realized and reported it to me, and that was
8 in May or June of 2007.

9 **Q. Alright. And the specific account that was the**
10 **problem in 2008; was what?**

11 A. Asked and answered. Again, you're really
12 harassing.

13 **Q. Which account?**

14 A. That was the Nadeau Law, not Nadeau and
15 Associates, P.A., Nadeau Law Trust Account.

16 **Q. The IOLTA account?**

17 A. The IOLTA account.

18 **Q. Okay?**

19 A. There was also an issue with the, actually, it
20 was Nadeau Law.

21 Yes, there was an issue with a re-additional
22 IOLTA account that had been maintained by Nadeau and
23 Associates, P.A., up until that time that had been
24 illegally frozen by Ocean National Bank.

1 Q. Right. And as a matter of fact, there were three
2 different issues in the timeframe of 2007 relative to
3 trust-fund accounts under some Nadeau enterprise;
4 correct?

5 A. There was only one pertinent to your client's
6 grievance.

7 Q. No. No. No. Isn't it true that there were at
8 least three separate issues going on from early 2007
9 until January of 2008 involving trust-fund accounts
10 under your responsibility; isn't that true?

11 A. No. No.

12 Q. Which part of it is not true?

13 A. The part that December 2007 and prior, there were
14 only two, not three. The part that in as --

15 Q. I said January of 2008?

16 A. And I -- and you said January of 2008 and at that
17 time.

18 Q. From January of 2007 to January of 2008, isn't it
19 true that there were three issues?

20 A. And that was only --

21 Q. Three separate issues?

22 A. And there was only one that pertained to your
23 client's grievance, and that was a nonissue.

24 Q. That might be true.

1 A. It is true.

2 **Q. And you're saying that you're -- relative, it is**
3 **true relative to another originally?**

4 A. Counselor, you can play this for your client and
5 make her feel that, like you and I both know, that --
6 that's the subject of Motions in Limini.

7 You're not going to be allowed to distort things
8 like that in trial. You're just not.

9 **Q. And as a matter of fact, sir, just because**
10 **I've become somewhat confused quite frankly.**
11 **Between January of 2000 and today's date, how**
12 **many different entities have you practiced law under?**

13

14 MR. MERRITT: He's been asked and answered
15 that.

16 MR. GLEASON: No, he has not.

17

18 **Q. And what did you name them?**

19 A. Give me the timeframe again.

20 **Q. From January of 2000 until today's date, how many**
21 **different entities have you participated in or created**
22 **for purposes of your work as a lawyer? And that is an**
23 **all-inclusive question. How many different entities?**

24 A. The legal entity that existed up until early

1 September 2007, as I've stated, was Nadeau and
2 Associates, P.A.

3 **Q. Um-hmm?**

4 A. It had, from time-to-time during its existence,
5 different DBA's or assumed names.

6 **Q. Such as?**

7 A. Most of the time, it was just Nadeau and
8 Associates, P.A.

9 **Q. Um-hmm?**

10 A. There was a time in the late 1990's when it
11 became Nadeau and Penny, P.A.

12 I had a young associate who I offered a minority
13 partnership interest in or a minority shareholder
14 interest in.

15 When he left, moved to California, it reverted
16 back to Nadeau and Associates, P.A.

17 **Q. Um-hmm?**

18 A. Sometime later, I had another young associate who
19 became a minority shareholder, Amy McGarry, and we were
20 known as Nadeau and McGarry until she left.

21 Then we were back to Nadeau and Associates. We
22 were Nadeau and Associates, P.A., with the assumed name
23 of Nadeau and Associates, as I recall.

24 And, eventually, as the firm grew again and after

1 the [Maryann] grievance, I changed the assumed name in
2 honor of two of the more senior associate attorneys who
3 by then had become employed by the firm.

4 And we became Honder (phonetically). We had an
5 assumed name of Nadeau, Lindermann and Brown.

6 Before, once again, it reverted back to Nadeau
7 and Associates, P.A.

8 At the time that it dissolved, it was simply
9 known in early September of 2007 as Nadeau and
10 Associates, P.A.

11 Nadeau Law, LLC was thereafter formed. It was
12 dissolved at the end of 2008 in connection with my
13 decision to marry and to move to New Hampshire. And at
14 around the same time, I then formed a new law firm.
15 This was a New Hampshire law firm, and my present
16 one known as Nadeau Legal, LLC.

17 **Q. Nadeau Legal, PLLC?**

18 A. Nadeau Legal, PLLC. You knew that, counselor.
19 We've communicated. It's in the pleadings. It's on my
20 letterhead.

21 **Q. And in your filing - in your business filing in**
22 **February of 2009, you indicated that the previous**
23 **bookkeeper had transferred funds from the client-trust**
24 **account to pay for the firm's expenses; and that this**

1 **was only discovered in January of 2008.**

2 A. What filing are you referring to? I'm confused
3 here. The filing with whom? What context?

4 **Q. Okay. Do you recognize that document?**

5 A. You've handed me two documents. Which one do you
6 want me to refer to?

7 **Q. Collectively, both of them.**

8 A. Alright. You've handed me what appears to be
9 docket entries pertinent to the law firms.

10 **Q. Of who?**

11 A. Nadeau and Associates P.A.'s Chapter 7
12 Bankruptcy.

13 **Q. Is that referring to the filing that you did in**
14 **February of 2009?**

15 A. 2008, February 7th, 2008, is the filing date.

16 **Q. Sorry. Okay?**

17 A. Yes. And your question is?

18 **Q. Do you recognize the document?**

19 A. Well, I just said that this first document looks
20 like docket entries.

21 **Q. So, the answer is: You don't?**

22 A. The next document -- the answer is not that I
23 don't. It appears to be a list of docket entries in my
24 personal bankruptcy case going through July 27th, 2009.

1 I don't know if there were more docket entries
2 after that.

3 But, in any event, the other document that you've
4 presented to me is a copy of the Nadeau and Associates,
5 P.A., Voluntary Petition dated February 11th, 2001.

6 **Q. Dated when?**

7 A. February 11, 2009. And that's before amendment,
8 I mean, there was subsequent amendment as you know.

9 **Q. Correct. Right. Now, this particular document,**
10 **you made a representation relative to --**

11

12 MR. MERRITT: Do you want this marked,
13 Scott?

14 MR. GLEASON: Yes.

15

16 (Voluntary Petition marked as Exhibit No. 5
17 for identification.)

18

19 **Q. Okay. And what you've indicated is,**
20 **that the previous bookkeeper transferred funds from the**
21 **client-trust account to pay for the firm's expense, and**
22 **this was only discovered in January 2008.**

23 A. Are you referring to some page of this document?

24 **Q. Yes, I am.**

1 A. What page are you referring to?

2 **Q. Why don't you just look at this?**

3

4 (Witness complies.)

5

6 **Q. Let me take the exhibit. So, you're referring to**
7 **the, to paragraph one. SOFA. And 'SOFA' is short**
8 **for a statement of financial affairs; correct?**

9 A. Yes. Yup. Alright. So, you're referring to the
10 final sentence on that page?

11 **Q. In that paragraph.**

12 A. In the final paragraph on that page?

13 **Q. Yes.**

14 A. Um-hmm, okay. Your question is?

15 **Q. How much?**

16 A. How much?

17 **Q. How much funds were transferred from the**

18 **client-trust account to pay for firm expenses?**

19 A. We weren't able to determine that amount at that
20 time -- the exact amount. But in the subsequent weeks,
21 the accountant, my mother, [Mother's Name], determined that
22 it was somewhere in the neighborhood of sixty thousand
23 plus --

24 **Q. Okay?**

1 A. -- that was unaccounted for, as of December of
2 2007, many months after. Completely unrelated to your
3 client's grievance.

4 **Q. Alright. There was \$60,000.00 missing from your**
5 **client-trust account; correct?**

6 A. Yes. A number somewhere in that neighborhood,
7 yes.

8 **Q. Okay. And those funds, it's your testimony, were**
9 **used to pay your bills?**

10 A. They evidently were used to pay -- by the bookkeeper
11 -- to pay law firm operating expenses.

12 **Q. Alright. Now, you've been in business a long**
13 **time; haven't you?**

14 A. Yes.

15 **Q. Alright. And it's always been, you've always**
16 **pretty much been running the show; correct?**

17 A. No, it's not true. Now -- we hire as many large
18 firms do.

19 **Q. You were a large firm?**

20 A. At the time, I was fairly large. Seven lawyers
21 working for me and three office locations.

22 **Q. Who handled the receipts, the income of --**

23 A. The bookkeeper.

24 **Q. But, you were certainly imminently aware of what**

1 **the firm was taking in; weren't you?**

2 A. No. No.

3 **Q. You didn't know?**

4 A. I relied on her information and her reports based
5 on our tab situation system, which was a very
6 complicated accounting system.

7 You have to understand, counselor, that I ran
8 three offices in three different communities. With this
9 law firm, I had seven lawyers.

10 **Q. In December of 2007, how many employees worked**
11 **for you?**

12 A. I don't know. Let's see. We had Attorney Brown,
13 we had Attorney Dietz, we had a young associate that I
14 let go.

15 Right around that time -- [Rusty Hammer] had just left a
16 couple of months earlier. And I had a number of support
17 staff, probably about four or five.

18 We still had a Sanford office and a Well's
19 office. We had closed the Biddeford office, and that
20 was forty percent of my time as a judge. So, you hire
21 people to rely on.

22 **Q. Yes. And you are responsible for what's in your**
23 **client-trust account; aren't you?**

24 A. Ultimately, sure.

1 **Q. And did you replace the \$60,000.00?**

2 A. In part I did.

3 **Q. Who borrowed the other part?**

4 A. I borrowed from my personal IRA account. I
5 borrowed from my, then, she wasn't even my fiancée. She
6 was just someone who --

7 **Q. What is their name?**

8 A. Her name?

9 **Q. Yes.**

10 A. My wife's name now, [Bob's Wife].

11 **Q. How much did you borrow from her?**

12 A. I don't know the total amount. I mean, there was
13 a combination. My folks borrowed or loaned me some
14 money. I borrowed some money. Initially, I borrowed
15 money from my fiancée. She simply offered it out.

16 **Q. How are \$60,000.00 worth of bills being paid if
17 you're not making the money to cover them?**

18 A. Well, as it turns out, I realized -- I didn't know
19 at the time.

20 **Q. And it's that these monies -- you don't know
21 when these monies were taken or misappropriated;
22 correct?**

23 A. What we know, is that as of -- in December --

24 **Q. Is when you found out?**

1 A. Right. And the only information we had -- we have,
2 is that and this appears to coincide with the transition
3 of the law practice from an old firm in September of
4 2007 to a new firm; that money.

5 **Q. So, it appears to have occurred during the fall**
6 **of 2007, but you don't know when the monies were**
7 **misappropriated; do you?**

8 A. The preponderance of the evidence is that it
9 occurred in the fall of 2007.

10 **Q. So, the answer is: Other than the preponderance,**
11 **and more likely than not, it appears to be the fall of**
12 **2007. But the bottom line is, you don't know when the**
13 **money got misappropriated; do you?**

14 A. It was clearly during the fall of 2007.

15 **Q. So, now it's clear?**

16 A. It's pretty clear because it was in connection
17 with the --

18 **Q. I'm going to ask you one more time. You don't**
19 **know, other than it's more likely than not, that it occurred**
20 **in the fall of September or October of 2007.**

21 **Other than it's more likely than not, your**
22 **testimony is, you don't know when the money got**
23 **misappropriated; do you?**

24 A. More likely than not, it was in the fall of 2007.

1 **Q. Okay. Now?**

2 A. And you're welcome to meet your burden to rebut
3 that. Good luck.

4 **Q. Well, thank you. Now, sir, upon her leaving,**
5 **[Former Bookkeeper], you're saying it was a voluntary**
6 **resignation, or was it a firing? Which way would you**
7 **describe it as of today?**

8 A. I think she perceived it as a firing. She thinks
9 I was extremely upset with her at the time, but it was
10 treated as a voluntary resignation.

11 And one of the reasons for that, was so that she
12 could be eligible and apply for unemployment benefits.

13 **Q. In other words is, she thought she got fired, but**
14 **you're terming it as a voluntarily resignation?**

15 A. I don't know what she thought.

16 **Q. Well, you just said that --**

17 A. She may have perceived it that way.

18 **Q. What was the exact mechanism? Just so that we're**
19 **clear on the record. Did you fire her or did she resign**
20 **to you?**

21 A. She had already informed us a few weeks before
22 this information was reported, to my knowledge, that she
23 planned to transition out. So, no, a firing was not
24 specifically contemplated at all.

1 Q. Isn't it true, sir, that she was sending you
2 e-mails telling you that there's a problem; 'we don't
3 have the money, I can't be using the trust-fund accounts
4 to be paying for the money?' Excuse me, paying your
5 bills; isn't that true, sir?

6 A. No. As a matter of fact, if you saw my e-mail to
7 her when this information was reported to her --

8 Q. Sir, I'm not asking you about the -- I've seen
9 thousands of documents, sir. I am not concerned. And
10 my question doesn't relate to what you wrote back.
11 My question to you is: She had; she wrote to
12 you. And, specifically, didn't she write to you warning
13 you that 'there's a problem, we don't have enough money,
14 we can't keep using trust-fund accounts to be paying the
15 bills.' Did she write that to you or didn't she?

16 A. I don't know. If you want to show me something,
17 I'll be happy to answer your question. I don't recall
18 any such communication.

19 Q. Alright. So, your answer is?

20 A. Other than at the very end, when my mother discovered
21 what she did, and I confronted [Former Bookkeeper] with it,
22 and then [she] responded by saying something to the effect
23 of: 'Well, you know, I've been taking -- I've been taking
24 money from the client trust account based on my

1 estimates of what has been earned.

2 And that's how we've been doing that because of
3 all of the extra bookkeeping work associated with two
4 different law firms.

5 **Q. Okay. And, so, you're answer here today is, that**
6 **she never -- you have no memory of her sending you an**
7 **e-mail saying: 'We have to stop taking client funds and**
8 **paying your bills with them;' is that correct?**

9 A. No. You're welcome to show me the document that
10 you're referring to if you think that there's such a
11 document that says that. In fact, I challenge you to do
12 that.

13 **Q. I'm asking you a question.**

14 A. I can't --

15 **Q. So, you don't have a memory?**

16 A. I don't have a specific memory.

17 **Q. You've answered the question. Now --**

18 A. And it's not relevant. Again, you understand
19 there's a continuing objection regarding all of this
20 nonsense.

21 **Q. You're registering another objection?**

22 A. Well, I'm just repeating it, but I want to make it
23 clear that that objection pertains to all of this.

24 **Q. Okay. Now, sir --**

1 A. See, quite frankly, you and your client are just
2 being malicious, busybodies because this has nothing to
3 do with her claim, and she's just a self-appointed
4 civilian.

5 I think that's really inappropriate. And rather
6 than owning up to your own actions, you never do that.
7 You never did that. [Maryann] never did that. Always
8 blaming somebody else.

9

10 MR. MERRITT: Let's move on.

11

12 **Q. Sir --**

13

14 [NANCY MADORE]: Are you talking about
15 yourself? I think you're talking about yourself now.

16 THE WITNESS: No, I'm not.

17

18 **Q. Sir, you've listed in your filing in 2005, Nadeau**
19 **and Associates took a substantial loss; am I correct?**

20 A. What page are you on again? The same thing, the
21 SOFA.

22 **Q. SOFA, \$44,255.00 for 2005 net loss?**

23 A. What page are you on? What number of -- the SOFA
24 is several pages long.

1 **Q. One.**

2 A. Number one.

3 **Q. Right where we were.**

4 A. Number one. Well, there's a paragraph one and a
5 paragraph two of this page. Which? On this SOFA.
6 Which paragraph are you referring to?

7 **Q. There's a question one, and are you referring --**
8 **are you now referring to question one being a part one?**

9 A. Question one, number one.

10 **Q. I said, part one. Income from employment or**
11 **operation of a business.**

12 A. Alright. And you're referring to 2005?

13 **Q. Correct.**

14 A. And it refers to?

15 **Q. A loss of \$44,425.00.**

16 A. Do you see that anywhere?

17 **Q. I don't, okay. I'll ask you to again look at the**
18 **document that I gave to you. You don't have the**
19 **document I gave to you -- Going back to the same**
20 **document.**

21 A. Is it over -- it's right here.

22

23 MR. GLEASON: That's it. There you go.

24 MR. MERRITT: I was looking at the personal

1 one.

2

3 **Q. We're talking about your business, sir.**

4 A. Thank you.

5 **Q. Alright. Showing \$44,255.00 net loss for 2005.**

6 **Okay. And in 2006, what was the result of your State**
7 **and Federal Income Tax return filings? Take a loss?**

8 A. The indication is a significant loss, yes.

9 **Q. Well, that's more than an indication. That's**
10 **what you wrote; yes? Correct?**

11 A. I think there were caveats in the explanation in
12 terms of incomplete accounting, yes.

13 **Q. And it was minus \$70,000.00 plus; correct?**

14 A. Yes.

15 **Q. And in 2007, you took a loss net, operating loss**
16 **or net loss of \$27,892.00?**

17 A. That's what's reported, yes.

18 **Q. With caveats again. And one of those caveats,**
19 **was that was only for a portion of the year; correct?**

20 A. Right.

21 **Q. And then, you transferred everything and become**
22 **Nadeau Law, LLC; correct?**

23 A. Then I transferred everything, but I had taken --
24 Nadeau Law, LLC had taken over ongoing legal work for

1 clients who had been Nadeau and Associates, P.A.
2 clients.

3 **Q. Right. And Nadeau Law, LLC took a loss in 2007**
4 **for \$34,700.00; correct?**

5 A. That's what's indicated. Correct. Again, with
6 caveats.

7 **Q. So, sir, relative to your claim against Miss**
8 **Madore, that she has been profoundly harming you with her**
9 **comments and conduct in 2007 and 2008, the fact of the**
10 **matter is, for three consecutive years, you had taken a**
11 **\$44,000.00 loss in 2005; correct?**

12 A. Yes.

13 **Q. A \$70,000.00 plus loss in 2006; correct?**

14 A. Yes.

15 **Q. And a total of a \$62,000.00 loss for 2007;**
16 **correct?**

17 A. \$27,892.00 in 2007.

18 **Q. And how about the thirty-four-seven down below?**

19 A. Right, that's for Nadeau Law.

20 **Q. Correct. So, it's sixty-two grand; right, for**
21 **2007?**

22 A. Yes. About, yes.

23 **Q. \$62,000.00, plus. It's true then, that you**
24 **are bleeding red ink as a business and individually**

1 through the period of time from 2005 to 2007; correct?

2 A. Yes, I was.

3 Q. Yup.

4 A. The firms were. There are reasons for that, that
5 are attributable to your client I think, but, yes.

6 Q. Now, also you've indicated, as a result of the
7 lawsuit that you've brought, you filed an Answer to
8 Interrogatories.

9 Do you recall that Answer -- filing an Answer to
10 Interrogatories as a result of this lawsuit?

11 A. I recall interrogatories.

12 Q. Okay. And you made a claim for damages that
13 you've been damaged?

14 A. Yes.

15 Q. To what extent do you claim that you've been
16 damaged by Miss Madore as a result of this lawsuit?

17 A. I believe it was particularized.

18 Q. Total?

19 A. And without seeing the interrogatory answers, I
20 can't tell you.

21 Q. Okay. Can you give me an approximate, or do you
22 need the document?

23 A. Nope, not without seeing it.

24 Q. Okay.

1 A. Do you remember which interrogatory asked the
2 question? Fourteen? There was an Exhibit 66 that I
3 referenced.

4 **Q. The total amount of your damages.**

5 A. Do you have that Exhibit 66?

6 **Q. Sir, did you indicate -- do you have a memory?**

7 **Did you fill those out?**

8 A. Yes, but the answer --

9 **Q. Did you put a number as the total amount of**
10 **damages that you've sustained as a result of Miss**
11 **Madore's conduct?**

12 A. Apparently, I did in an Exhibit 66.

13 **Q. Okay. So, my question to you: Do you have that**
14 **Exhibit 66? No, here's my question:**

15 **Sir, do you have a memory as to the number that**
16 **you've used for the amount of damages that you've**
17 **claimed in your sworn Answers to Interrogatories that**
18 **Miss Madore caused?**

19 A. There was a number, and I believe it was
20 reflected in the Exhibit 66 that I referenced.

21 **Q. Okay. What's the number?**

22 A. I don't -- if you want to show me the Exhibit 66,
23 I'll be able to tell you, sir.

24 **Q. As we stand here today, you don't know the number**

1 **that accurately reflects the amount of damages that**
2 **you've sustained?**

3 A. I do by reference to Exhibit 66. I didn't bring
4 my copy with me, counselor.

5 **Q. Do you recall being asked, sir, what the total**
6 **amount of damages you are asking the jury to award in**
7 **this lawsuit?**

8

9 MR. GLEASON: Counselor, you haven't written
10 down a number; have you?

11 MR. MERRITT: I have not written down a
12 number. I'd just written down the question.

13

14 **Q. Counselor, do you recall what the -- what are the**
15 **total amount of monies?**

16 A. I know it was high, but I don't recall.

17 **Q. Such as? Well, what? What's your best estimate?**

18 A. I don't recall the number.

19 **Q. Okay. Why don't you read it, sir?**

20 A. Number 18, total amount of damages,
21 \$1,008,446.40.

22 **Q. Okay. Now, you when you filed this lawsuit, you**
23 **filed a Statement of Damages. Do you recall that?**

24 A. Yes, I probably did. I'm sure. I don't recall

1 it, but I believe that's part of what has to be filed
2 with the Complaint. So, I probably did.

3 **Q. Right. So, it's your understanding that the**
4 **value of your claim is a million bucks?**

5 A. Roughly.

6 **Q. Alright. What did you report on your Schedule B**
7 **relative to any claim that you have against Miss Madore?**
8 **Did you indicate at the time of your filing of**
9 **your personal bankruptcy that you had an outstanding**
10 **claim against Miss Madore?**

11 A. No, because at that time, counselor, I didn't
12 know what -- I subsequently learned about all that she
13 had been involved with. Okay?
14 Other than I knew about her grievance complaints.
15 But at that time, I was simply trying to resolve them.
16 I didn't know at that time what the financial
17 consequences of that were.

18 **Q. When did you find out what the financial**
19 **consequences were?**

20 A. Probably not until well into 2008 when all of the
21 accounts were reconciled, and we were seeing --

22 **Q. So?**

23 A. If I can finish my answer.

24 **Q. My apologies.**

1 A. And we were seeing that the phones had been going
2 dead and remained dead after the PFA stuff and the media
3 stuff that had, had happened.

4 **Q. So, sir, you had already been bleeding red ink by**
5 **the time that the PFA went down?**

6 A. The law firm was. The law firms.

7 **Q. You had been bleeding red ink by the time, sir.**
8 **You were already dead. The phones weren't going; isn't**
9 **that fair to say?**

10 A. No, it's not fair to say.

11 **Q. Alright.**

12 A. The firm was really getting pretty busy. In 2006
13 and 2007, we had added on associates. We had expanded
14 and added a third office.

15 One of the problems that -- a couple of the
16 problems that I had, first of all, were hiring.

17 **Q. Sir, can I ask you a question? You bleed**
18 **\$200,000.00. And as a law firm, you are taking**
19 **\$200,000.00 in net operating losses for 2005, 2006, and**
20 **into 2007. You were bleeding red ink as you've already**
21 **answered. Now, sir --**

22 A. That's not really true, counselor.

23 **Q. When did you file?**

24 A. Counselor, is that a question? You're

1 testifying.

2 **Q. When did you file your bankruptcy? When was it?**

3 **Your personal bankruptcy?**

4 A. Asked and answered.

5 **Q. When was it?**

6 A. Asked and answered.

7

8 MR. MERRITT: He has.

9 MR. GLEASON: Fine.

10

11 **Q. Pursuant to Rule 30, we've got great leeway,**
12 **counselor.**

13 A. You have a document in front of you, counselor.

14 Asked and answered. Counselor, this is Nadeau and
15 Associates. The documents in front of me.

16 **Q. Now, I'm asking you: When did you file your**
17 **bankruptcy, personal?**

18 A. Asked and answered.

19 **Q. Okay. And, sir, did you include -- as you've**
20 **indicated, you didn't include Madore; is that your**
21 **memory?**

22 A. I did not, and it's irrelevant.

23 **Q. Okay. Good. Then why did you include Madore?**

24 A. Why did I include Madore?

1 **Q. Nancy Madore?**

2 A. Why did I? I didn't.

3 **Q. Oh, okay. Alright.**

4

5 THE WITNESS: So what.

6 MR. GLEASON: So what, what?

7 THE WITNESS: So what.

8 MR. GLEASON: What's the matter, did you

9 just remember something?

10 THE WITNESS: So what.

11 MR. GLEASON: Sir, I ask the questions. You

12 know that.

13 THE WITNESS: Well, I think you're wasting a

14 lot of time, and you're wasting a lot of money.

15 MR. GLEASON: Sir, I'll remind you that we

16 sat here through hours of your deposition of you're

17 asking Miss Madore about [Maryann]'s sex life.

18 Please, keep that in mind.

19 THE WITNESS: Yes. And that's all part of

20 this litigation, and I remember also you grandstanding

21 frequently regarding all of that.

22 MR. GLEASON: Okay. Off the record.

23

24 (Off the record at 1:50 p.m.)

1 MR. GLEASON: Back on.

2

3 (Back on the record at 1:53 p.m.)

4

5 MR. GLEASON: I'm going to show you a
6 document.

7

8 **Q. And ask you do you recognize the document?**

9

10 MR. GLEASON: And I do not have a copy of
11 this for you, but I'll make a copy for you.

12 THE WITNESS: Well, it's not stapled.

13

14 A. But, it appears to be the pages from my personal
15 Chapter 7 Bankruptcy back on September 6th, 2007.
16 Actually, you know, parts, some of the pages are stapled
17 and most are not.

18 **Q. Okay. And under Schedule B, personal property,**
19 **you've indicated that you do not recall making a claim**
20 **against Miss Madore; correct?**

21 A. I don't recall, but I may have. I may have.

22 **Q. Okay. I'm going to ask you if you recognize --**
23 **I'm taking one page out, which is Page 2 of Schedule B,**
24 **personal property.**

1 A. I did. Yup, I sure did. Yup.

2 **Q. And what did you make a claim against Miss Madore**
3 **for?**

4 A. Value unknown.

5 **Q. I didn't ask you that. What did you make?**

6 A. Well, that's the answer I had to put down on
7 number fourteen. And the reason, frankly, is because
8 from what I could tell, these people were basically
9 judgment proof, you know.

10 But I didn't know the value. Information was
11 just starting to come in. I wouldn't know for a long
12 time what the long-term effects of their conduct were.
13 But it was very apparent to me that those effects
14 went back to 2005 and continued thereafter and caused
15 me, or among other things --

16 Actually, [Maryann] as an employee, she was
17 completely useless. And to pay her a salary and
18 benefits and lots of extra perks, and to employ people
19 such as [Rusty Hammer], who I certainly would have
20 never employed if [Maryann] and [Nancy Madore] had been
21 candid with me about what was going on between him and
22 [Maryann].

23 **Q. My question was: What did you indicate that the**
24 **claim was for? You indicated it was for tort and**

1 **property claims against [Nancy Madore]; correct?**

2 A. Right.

3 **Q. Alright. And you put down the value as of the**
4 **date of your filing of --**

5 A. Value unknown.

6 **Q. September the 6th of 2007, you put value unknown?**

7 A. Yes.

8 **Q. And did you answer the question as to the current**
9 **value of the Debtor's interest in the property without**
10 **deducting any claim on the exemption? Did you put down**
11 **a value?**

12 A. The program requires that a value be placed.

13 **Q. And what did you put down for the value?**

14 A. Because the information was --

15 **Q. No. No. No. Let's -- sir, you're an experience**
16 **lawyer. What's the number that you put down?**

17 A. Value unknown. Don't distort things, counselor.

18 I know that's what you're trying to do.

19 The value put down was \$1.00, but we took care to
20 put - parenthetically, to put value unknown.

21 **Q. Sir, so you're testifying that in September of**
22 **2007, you didn't know that you had -- you've just**
23 **described all of these terrible things that had gone**
24 **on from 2005 to 2007.**

1 All of these material things was that Miss Madore
2 was doing to you. And in September of 2007, when having
3 to answer something under the pains and penalties of
4 perjury; correct? Correct?

5 A. Yes.

6 Q. You put down \$1.00; didn't you? No. You put
7 down one dollar.

8 A. Counselor, you are being dishonest on the record.
9 You're being dishonest. You're distorting things.

10 Q. Did you put down one dollar?

11 A. I put down one dollar and value unknown.

12 Q. Thank you. Thank you.

13 A. The computer put down one dollar. I answered
14 that for you. The computer required a number.

15 Q. Sir, I asked if there are contingent claims that
16 you have in Exhibit B?

17 A. I probably did. If you want to show me. Yes.
18 And I listed tort and property claims against [Maryann]
19 and [Nancy Madore], value unknown, close
20 [parentheses].

21 I don't know if you do bankruptcy work. I don't
22 know if you have a bankruptcy program. You have to put
23 down some value.

24 Q. And, sir, and you elected to put down a dollar.

1 A. Because the losses could not yet --

2 **Q. May I have my document back, please. As an**
3 **experienced attorney, sir, you didn't know that you were**
4 **owed \$6,000.00 because [Daddy] wouldn't pay the**
5 **bill that Nancy Madore was guaranteeing?**
6 **You didn't know that? Is that your statement**
7 **here in September in 2007?**

8 A. Counselor, no.

9 **Q. You didn't know. Okay.**

10 A. Know what? I did not. It wasn't my personal
11 claim, which is why it didn't -- that's why it belonged
12 and appeared in the corporate bankruptcy.

13 **Q. Because it's all about the corporate business;**
14 **isn't it, sir?**

15 A. The contract claim at the time was not -- Now,
16 now, it's my personal asset.

17 **Q. Sir, just so we're staying on that particular**
18 **point. You were also asked if there are any accounts**
19 **receivable that you are entitled to. Do you recall how**
20 **you filled that out?**

21 A. I probably said, no, because every account
22 receivable belonged to the law firm.

23 **Q. Okay. And you are pursuing that now personally;**
24 **correct?**

1 A. Now, the accounts receivable, I have been.

2 **Q. And, sir, what would the chances have been, in**
3 **your experience, and you've handled over seventy-four**
4 **bankruptcy cases; haven't you, sir?**

5 A. Yes, I'm sure I have. Yes.

6 **Q. And, as a matter of fact, sir, you knew that if**
7 **you had put down a value of a million dollars -- that you**
8 **have a million dollar claim against Nancy Madore or**
9 **anyone else, certainly, the Trustee wouldn't be**
10 **abandoning the claim; would he?**

11 A. I don't know. I don't know. Now, as a matter of
12 fact, my experience and my dealings with John Turner
13 were that he made his own independent evaluation as to
14 the likelihood of collecting on a claim. And I think he
15 even asked me about my entry with respect to Miss Madore
16 and [Maryann] at some point.

17 I don't recall if it was at the 341 Meeting or at a
18 later time. But at that time, I told him what it was
19 about.

20 And that at this point, I couldn't value what it
21 was about. I said, it may well be because these people
22 are judgment proof. We might not be able to collect on
23 it anyway, but it's there.

24 **Q. Sir, why were you pursuing a judgment proof**

1 **claim then? You were pursuing it; weren't you? That's**
2 **what your testimony was.**

3 A. No, I was turning it over to him for pursuing.

4 **Q. Then, why did you go up to the Rockingham**
5 **Superior Court and the Exeter District Court, and**
6 **follow-up with a claim against [Daddy]?**

7 A. Counselor, once again, wishes to mix apples and
8 oranges.

9 **Q. Then, why don't you answer the question?**

10 A. I'm going to answer the question as soon as you
11 stop trying to distort. Now, and that's what I don't
12 like.

13 **Q. I'll withdraw the question. Now, isn't it**
14 **true, sir, that you personally went up to the Rockingham**
15 **Superior Court building and the Exeter District Court**
16 **and pursued the claim for a debt against people that you**
17 **now claim were uncollectible?**

18 A. No.

19 **Q. You didn't. Did you show up in the -- did you go**
20 **to the Exeter District Court? What part of my statement**
21 **isn't true?**

22 A. Nadeau and Associates, P.A., assumed.

23 **Q. What was the status of Nadeau and Associates,**
24 **P.A. in the early months of 2008?**

1 A. Until February, when it filed for its bankruptcy.

2 **Q. What was the status?**

3 A. It was dissolved and winding down its affairs.

4 **Q. Right. Didn't you testify that it was resolved**
5 **in September of 2007, when you had filed with the**
6 **Secretary of State's Office? Which way is it, sir?**

7 A. The same way, counselor. Stop distorting.

8 **Q. Did you say that you dissolved in September**
9 **of 2007?**

10 A. I dissolved it, yes. I didn't file for bankruptcy
11 until February of 2008.

12 **Q. I didn't ask you that. You, sir -- in fact, you**
13 **kept pursuing the claim against [Daddy] even beyond your**
14 **dissolution of the firm and even beyond.**
15 **Whose name did you make the claim in when you**
16 **were -- when you testified, under oath, before the Justice**
17 **of the Exeter District Court, who was making the claim?**

18 A. I believe it was Nadeau and Associates, P.A.

19 **Q. Did you tell the judge that it no longer existed?**

20 A. I believe I did, yes. It was winding down.

21 **Q. Specifically, what did you say to the judge?**

22 A. I don't recall, but I believe that I did.

23 **Q. Okay.**

24

1 THE WITNESS: And here's another thing I
2 can answer you. Why are you -- the Exeter District
3 Court -- you were misrepresenting on the record in
4 [Nancy Madore's] deposition, that you were in possession
5 of a transcript from that Hearing in the Exeter District
6 Court.

7 We've checked with the Exeter District
8 Court. You've misrepresented something on the record
9 because there is no such transcript.

10 MR. GLEASON: Really.

11 THE WITNESS: Yes.

12 MR. GLEASON: Okay.

13 MR. MERRITT: And if there was, you've also

14 --

15 THE WITNESS: And you've also promised
16 to supply them.

17 MR. GLEASON: Let me see. You're saying
18 that I lied.

19 THE WITNESS: So, because of the fact, sir,
20 it's okay -- you're interrupting me. Let me ask the --
21 answer the question. No, you're interrupting.

22 MR. GLEASON: Go ahead.

23 THE WITNESS: Based on the information we
24 received from the Clerk's Office from the Exeter

1 District Court, there is no transcript. There was no
2 recording, and no --

3 MR. GLEASON: So, your statement is that
4 I misrepresented on record? While we're here taking
5 this down.

6 THE WITNESS: Based on the information they
7 gave us, that would appear to be the appropriate
8 conclusion.

9 MR. GLEASON: Okay.

10 THE WITNESS: Yes.

11 MR. GLEASON: Okay. And, so, sir, it's okay
12 for you to throw bricks, but somebody else can't have an
13 opinion on you?

14 THE WITNESS: No. No. No. No. No, sir.

15 You've been throwing bricks.

16 MR. GLEASON: I'm talking about my client.

17 THE WITNESS: Your client.

18

19 **Q. So, she said she had an opinion. I asked if**
20 **it's okay for you to say that I misrepresented**
21 **something.**

22 **But it's not okay from my client to say that**
23 **she's got an opinion that there's a problem with your**
24 **trust-fund account?**

1 A. There wasn't a problem with the trust account.

2

3 MR. MERRITT: Why don't we move on?

4 THE WITNESS: I'm going to answer your
5 question.

6

7 A. You're -- you once again have misrepresented on the
8 record what she has said. She didn't say that to the
9 Board, that there was a problem with the client's trust
10 account. She said much more than that.

11 **Q. Sir, I'm talking -- for the second time; and here's**
12 **the deal, sir, I'm talking about your testimony.**

13 **In your testimony, I asked you: What did you**
14 **hear her say?**

15 **And you testified, under oath in this transcript,**
16 **that you heard her say that she had an opinion that**
17 **you were abusive, and she had an opinion that there was**
18 **a problem with your trust-fund account.**

19 **That's what I'm talking about. And for the**
20 **second, we've got your testimony.**

21 A. You have. But you are - you -- what she said in the
22 grievance.

23

24 MR. GLEASON: Get your witness under

1 control.

2 THE WITNESS: Get yourself under control.

3 MR. MERRITT: There's no questions in front
4 you. Do we have a question?

5 MR. GLEASON: Yes, I'm getting to the
6 question.

7 THE WITNESS: I need to correct what he
8 misstated. You've misstated the evidence.

9 MR. GLEASON: Fine.

10 THE WITNESS: Miss Madore, in addition to
11 speaking to the media, also made misstatements that was
12 in the grievance that's regarding her reference to --

13 MR. GLEASON: Well, we're going to -- I
14 assure you, we're getting to that. Don't worry.

15 THE WITNESS: Let's keep this accurate all
16 along.

17 MR. GLEASON: Oh, it's accurate, sir.

18

19 **Q. Sir, after your business was dissolved; did you**
20 **indicate to the Court, at any point in time, that your**
21 **personal bankruptcy was proceeding, that in fact, until**
22 **the time of the discharge, that in fact, certain claims**
23 **might be coming to your benefit?**

24 A. The business did not get a discharge, too. So,

1 you're really throwing me off.

2 **Q. No. Until you, your personal discharge in March**
3 **of 2008, did you indicate or change your petition that,**
4 **in fact, you may have claims coming to you?**

5 **Let me break it down, sir, your business had**
6 **dissolved, you've testified, in September of 2007;**
7 **correct?**

8 A. Nadeau and Associates, P.A., did then, yes.

9 **Q. Who owned the liability and assets at that point**
10 **in time?**

11 A. The assets were owned by the individual
12 shareholder.

13 **Q. And what about the liabilities?**

14 A. That's a separate issue.

15 **Q. The individual shareholder owns the assets. When**
16 **you filed your petition personally, did you amend or did**
17 **you indicate that you owned those assets that include, that**
18 **you had had a claim for \$6,000.00 against Nancy Madore?**

19 A. The answer is not simply, yes or no. So, if
20 you're looking for that, you're not getting a complete
21 answer.

22 **Q. Did you indicate that she owed?**

23 A. Did -- in the corporate bankruptcy?

24 **Q. No. When -- you've just testified that, when you**

1 **dissolved your corporation, the**
2 **assets go to the individual shareholder. Wasn't that**
3 **just your answer?**

4 A. After the corporation?

5 **Q. Wasn't that just your answer?**

6 A. No. My answer is: After it winds down its
7 affairs, and knowing, as I reported to Mr. Turner, that it
8 would be also eventually filing bankruptcy, it simply
9 did not make sense to take the accounts receivable of
10 the corporation out of the name of the corporation; but
11 simply to schedule them all as part of the corporation in
12 the eventual bankruptcy, which was exactly done.

13 **Q. Exactly, that's the discussion that was being**
14 **referred to in the petition against you filed by Phoebe**
15 **Morse.**

16 That, in fact, there were conversations that were
17 ongoing in October 4th, 2007, where you were representing
18 to the Trustee that all of these assets that were
19 in the -- including [Old Lawfirm's Receivable Account], was
20 all going to be coming part of -- let me read it to you
21 rather than jumble it.

22 "The Defendant..." -- reading from Miss Phoebe Morse's
23 Complaint to Revoke Discharge, which has been marked as
24 Exhibit 2 -- I believe 2 -- from paragraph nine.

1 "The Defendant was asked" -- this is referencing
2 the October 4th, 2007, 341 Meeting -- "The Defendant was
3 asked by the Trustee at the Meeting of Creditors on
4 October 4th, 2007, whether the Defendant held any notes
5 or accounts receivable personal." Quote; close quote.

6 And he answered, quote, close quote. "No."

7 A. That's true.

8 Q. Okay.

9 A. That was an accurate statement.

10 Q. Okay. And then in paragraph number ten: "The
11 Defendant was further asked at the Meeting of Creditors
12 whether the assets of Nadeau and Associates had been
13 transferred to a new entity."

14 "And the Defendant replied that the account
15 receivables of Nadeau and Associates had not been
16 transferred, that collection of the account would be
17 applied to the debts of that entity, and that Nadeau and
18 Associates would soon be filing a separate bankruptcy
19 case. Correct?

20 A. Yes.

21 Q. And, in fact, that is specifically the basis for
22 the claim that was being made. That further,
23 paragraph fifteen, that the Trustee relied upon the
24 representations of the Defendant at the 341 Meetings of

1 **both of the Defendant and the law firm and abandoned any**
2 **interest in the law firm's account receivables on**
3 **account of Ocean National Bank's security interest.**

4 A. No, I can't tell you what was in the Trustee's
5 mind. I have no idea. What I do know is, that what
6 John Turner testified in that proceeding later on, he
7 specifically said: "I don't believe you intended to
8 commit any fraud whatsoever." So, if that's the
9 direction you're going --

10 **Q. You're saying that Mr. Turner testified under**
11 **oath at the Hearing?**

12 A. A deposition.

13 **Q. Your testimony is that Mr. Turner said what?**

14 A. He said -- in answer to a question about whether he
15 thought --

16 **Q. No. You said he thought or he believed --**

17 A. I'd have to...

18 **Q. Well, you were authority just a few moments ago.**
19 **Why don't you tell us exactly what your memory is,**
20 **what you authoratively said that Mr. Turner was saying**
21 **about an opinion that he had, relative to whether you**
22 **were committing fraud or not?**

23 A. I can't tell you the specific questions or the
24 specific words.

1 **Q. Fine.**

2 A. What I can tell you is, that his state --

3 **Q. Don't speak to his state of mind. You can't tell**
4 **me what his words were; is that true?**

5 A. Not the exact words. I can tell you generally
6 what they were.

7 **Q. Is it your contention that Mr. Turner was going**
8 **on record that you were not committing fraud? Is that**
9 **your testimony here under oath?**

10 A. Are you testifying in this deposition?

11 **Q. No. No. No. Is that your statement under oath?**

12 A. He testified to that in his deposition.

13 **Q. That he said that you were not committing fraud?**

14 A. He did not believe -- fraud is a subjective issue.

15 **Q. That's the word you used.**

16 A. One, it's not relative to this case; two, he did
17 say that he did not believe that I engaged in, and
18 intended to commit, any kind of fraud or
19 misrepresentation there. It was along those lines. I
20 was, that was coming straight from him.

21

22 MR. GLEASON: Okay.

23 (Off the record at 2:15 p.m.; lunch break.)

24 MR. GLEASON: Back on. Okay. Back on.

1

2 (On the record at 2:46 p.m.)

3

4 **Q. First things first, I guess I was called a liar**
5 **before. So, I went out and made a copy of the**
6 **transcript. All you had to do was ask for it if you**
7 **didn't get it.**

8 A. I did in the prior deposition.

9

10 MR. GLEASON: All you've got to do is ask.

11 You don't go around calling people liars.

12 THE WITNESS: I didn't call you a liar. I

13 said it was a misrepresentation.

14 MR. GLEASON: Please, that's the same, and

15 we both know it. There's your copy.

16 THE WITNESS: Thank you. I wonder why they

17 told us contrary information.

18 MR. GLEASON: It's an old lesson in life.

19 You don't always get the right information from people.

20 So, you've got to be careful.

21 THE WITNESS: I hope you remember that.

22 MR. GLEASON: That's correct.

23

24 **Q. Nancy Madore -- you've identified Exhibit number 4,**

1 **which is the part of her Grievance Complaint where she**
2 **indicated that she had complaints with regards to what**
3 **she believed about you. And you indicated that she said**
4 **some terrible things in her grievance. Could you point**
5 **those out to me, in her grievance?**

6 A. Well, it relates to a previous grievance already
7 filed. So, I probably need to see that grievance as
8 well.

9 **Q. Well, we're just talking about that one right**
10 **now.**

11 A. Well, collectively, the grievance certainly was
12 malicious.

13 **Q. We can only do one document.**

14 A. "My grievance in this matter is over Robert
15 Nadeau's unprofessional and unethical behavior." I'm
16 quoting what she wrote, counselor.

17 **Q. Just so I'm clear.**

18 A. I just started to respond to your answer.

19 **Q. So, when she said what she believed, that's**
20 **defamation; is that correct?**

21 A. That was defamation, yes, it was.

22 **Q. I'm just asking you what you think. That's all.**

23 A. And then she goes on: "Since then, I have had
24 the misfortune of seeing firsthand how irresponsible

1 and unethical and inept Nadeau really is. I have filed
2 a separate Complaint for that matter. And, therefore, I
3 am submitting for your review my knowledge of his
4 actions in that previous case."

5 I'm not sure what case she's referring to.

6 Perhaps it would be clarified in her prior submission.

7 This was June 13th, 2007.

8 Now, this is a month-and-a-half before the PFA

9 Hearing. [Maryann] and I are still together until near

10 the end of July of 2007, and she's doing this to me.

11 And she apparently filed something before this.

12 Because she refers to it in this. Going on, she goes --

13 She admits in paragraph one: "[Maryann] sent me a

14 copy of an e-mail from Nadeau to [Maryann's surgeon] on

15 May 6th, 2005."

16 She makes it pretty clear that she's getting some

17 information from [Maryann] who, in her deposition --

18 incidentally, from what I recall --

19 **Q. Sir, the question is -- you're not responsive to**

20 **the question.**

21 **Point out to us, please, where you described in**

22 **questioning relative to defamation, that [Nancy Madore]**

23 **was defaming you in that document.**

24 A. I touched upon some things so far. Let me keep

1 reading.

2 **Q. Um-hmm.**

3 A. The fact that the issues that she's writing
4 about, were already before the Board dismissed.

5 **Q. I didn't ask you that question.**

6 A. This is responsive.

7 **Q. Read her words that you say are defaming. Read**
8 **her words that you say are defaming.**

9 A. Do you want me to tell you? Because the context
10 eludes why this was defaming.

11 **Q. Okay. Thank you. So, you are electing not to**
12 **read the specific points.**

13 A. No. You're electing not to allow me to explain.

14 **Q. I believe you answered the question. Now, sir,**
15 **let's turn to the first document.**

16 **The first document is a letter to [Maryann's**
17 **Surgeon], which is dated May 6th of 2005. Do you**
18 **recognize this document?**

19 A. It's not a letter. It's an e-mail, and it's only
20 portions of it. She has apparently omitted the first
21 page because it starts off with a reference to page two of
22 four.

23 But insofar as those pages are concerned, yes, I
24 recognize them.

1 Q. Sir, it's the entire communication to - it's what you
2 wrote to [Maryann's Surgeon] on May 6th, 2005, in context,
3 from pages [two to four], as [were] numbered down at
4 the bottom pages, nineteen, twenty, and
5 twenty-one?

6 A. I don't know, without seeing whether there was
7 any further communication from me to him on the first
8 page of this transcript. What I can say is that the
9 communication that starts at the bottom of the middle of
10 page two of this -- this particular communication -- and runs
11 through page four, seems to be complete insofar as that
12 particular portion of the string is concerned.

13 Q. Okay. And the numbers. Do you recognize who
14 wrote the numbers down at the bottom right-hand side?

15 A. It looks like my numbering.

16 Q. Right. This is a copy of an exhibit that you
17 presented; isn't it, sir?

18 A. In my Bar defense in 2005, yes, probably.

19 Q. Okay. Now, sir --

20 A. That was dismissed, and now being resurrected by
21 your client.

22 Q. Now, sir, in May of 2005; Was that one of the
23 time periods that you were living or involved with
24 [Maryann]?

1 A. No. We got back together about a month -- no,
2 a month-and-a-half later, and I gave her full access to my
3 e-mails then, so that she could see everything that was
4 transmitted or communicated concerning that case.

5 **Q. And for purposes of the record --**

6 A. But not for the purpose of transmitting it to your
7 client, which is what she did.

8 **Q. And when you got back together with [Maryann],**
9 **you gave her open and unfettered access to**
10 **your e-mails and communications; correct?**

11 A. Not quite correct.

12 **Q. What's incorrect?**

13 A. Access for the purpose of seeing it for herself;
14 not for transmitting it to anyone else.

15 **Q. But, did you instruct her that she could see it**
16 **and read it, but she could not print it?**

17 A. Yes, that. I did not give her permission to
18 share it with anybody else.

19 **Q. So, if you give someone open access to a**
20 **document, you still retain a privilege that they can't**
21 **show it or talk about it to anybody else?**

22 A. Yes.

23 **Q. Really?**

24 A. Yes. I'm sure you would, too.

1 **Q. In your letter to [Maryann's Surgeon], was there a**
2 **hearing that was coming up?**

3 A. Yes.

4 **Q. What was the hearing about?**

5 A. Pertaining to [Maryann]'s grievance against me, that
6 was filed in 2003 but was still pending.

7 **Q. There was a hearing coming up; correct?**

8 A. Yes.

9 **Q. And the hearing was involving allegations of**
10 **unethical behavior concerning you; correct?**

11 A. That was the -- those were the allegations, yes.

12 **Q. Right. And do you recall specifically when that**
13 **hearing was scheduled for?**

14 A. I'm not sure which hearing you're referring to,
15 because there were a couple of stages. There was a
16 hearing in --

17 **Q. If I indicated to you [it was] the 19th and 20th of May,**
18 **2005, would that refresh your memory?**

19 A. That was the first stage. And then it was going
20 to a further hearing before a single justice, and that
21 was being scheduled, and that was going to happen near
22 the end of the year of 2005.

23 I think. Actually, it happened in early 2006.

24 But, I may be mistaken.

1 Q. And what you wanted was, is you wanted [Maryann's
2 Surgeon] to help you for the purpose --

3 A. That's what my attorney wanted, but, yes. In
4 consultation with my attorney, yes, there were these
5 communications.

6 Q. Well, sir, your attorney had every opportunity,
7 [the attorney] who was representing you did;
8 fair?

9 A. Yes.

10 Q. Alright. And you wrote this communication to
11 [Maryann's Surgeon]; didn't you?

12 A. With the knowledge and assent of my attorney.

13 Q. I didn't ask you about the knowledge of anybody
14 else. You wrote it; didn't you?

15 A. I did.

16 Q. Okay. And as a matter of fact, you are
17 indicating -- is it your suggestion that this letter -- that
18 there's nothing unethical about this letter relative to
19 you and your writing it? That's your position; isn't
20 it?

21 A. The Bar rules first of all.

22 Q. I didn't ask you that. Is it your position that
23 there's nothing unethical about this letter?

24 A. With the context against a Bar grievance, it's

1 permitted.

2 **Q. Okay. Now, I'm not asking you that question.**

3 A. And it's not relevant to your client's case
4 either.

5 **Q. Sir, I'll reserve judgment, and my opinion on**
6 **that before you. We'll agree to disagree.**

7 **Now, sir: "I am a Maine attorney and part-time**
8 **elected judge. Like you, I directly and indirectly, my**
9 **wife, children, and many others affected by resultant**
10 **ordeals, am also a victim of the sexual, adulterous**
11 **proress and charms and subsequent Bar complaint of your**
12 **former patient, [Maryann]; formerly known**
13 **as [Maryann]."**

14 **Now, I read that correctly; didn't I?**

15 A. Sounds like it.

16 **Q. Yup. And did you know [Maryann's Surgeon] at the**
17 **time?**

18 A. I didn't know him, no.

19 **Q. Ever met him personally?**

20 A. No.

21 **Q. Ever talk to him?**

22 A. On the phone I did.

23 **Q. Okay. Before or after this letter?**

24 A. Probably shortly after.

1 **Q. Alright.**

2 A. That's not a letter. It's an e-mail.

3 **Q. Pardon me?**

4 A. It's not a letter. It's an e-mail.

5 **Q. Okay, fine. And as of May 6th, 2005, you hadn't**
6 **talked to him; had you?**

7 A. In view of the context or in view of the
8 statements in that e-mail, I would have to conclude, no.

9 **Q. Right. "Through extensive efforts I will not**
10 **address at this point, I have learned about the torrid,**
11 **adulteress, sexual affair you had with [Maryann] from December**
12 **2000 through September of 2001."**

13 **I read that correctly; didn't I?**

14 A. Yes.

15 **Q. And you had represented -- in 2003, you had**
16 **represented [Maryann] in a divorce case; hadn't**
17 **you?**

18 A. For a time I did.

19 **Q. And that's how you met her; wasn't it?**

20 A. Yes.

21 **Q. Alright. And it's your testimony, isn't it,**
22 **on prior filings and objections, that immediately after**
23 **your telling her you know longer could be representing**
24 **her, you had a sexual encounter with her?**

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1 A. Yes.

2 Q. Okay. And up until that point in time, according
3 to you, you had been acting as her attorney for a period
4 of how long?

5 A. Three or four months, yes.

6 Q. And she confided in you; didn't she?

7 A. Yes, she did on some. Yes.

8 Q. And conveyed confidences to you regarding her
9 life, her marriage, her problems, her difficulties as
10 she's going through this difficult time period; fair?

11 A. To some degree, yes. She didn't tell me
12 everything but to some degree, yes.

13 Q. And did she tell you or discuss with you [Maryann's
14 Surgeon] during that period of time?

15 A. No.

16 Q. No?

17 A. She claims she did, but she didn't.

18 Q. Right. So, it's your testimony that -- as we
19 started to go through this letter -- that she was telling
20 you about a torrid, adulteress, sexual affair that she
21 had with a married man after you began to live with her?

22 A. No, she didn't. She did. She did discuss it
23 after we were living together. She did mention -- I
24 don't recall the name, but she had told me that she had

1 extracted a settlement from him. And, no, wait a
2 minute. She didn't tell me.

3 She told me that -- when we got back together
4 again, I learned about [Maryann's Surgeon] because her
5 mother-in-law, her ex-mother-in-law at the time I
6 guess, contacted me at the time about that.

7 **Q. So, when you were communicating with [Maryann's**
8 **In-law] -- is that [Maryann's In-law]?**

9 A. I didn't really communicate with her. When she
10 contacted me, I got this e-mail that said something to
11 the effect: Are you the Attorney Nadeau that was
12 involved with [Maryann]?

13 And then she had a couple of negative things to
14 say about [Maryann], and I just hit forward on the e-mail
15 onto my attorney. And asked her, you know, what do you
16 think of it this?

17 **Q. What attorney?**

18 A. At the time -- the attorney who represented me at
19 the time was named [Bob's Attorney].

20 **Q. For what?**

21 A. In my Bar defense.

22 **Q. In this case?**

23 A. The one that you're referring to, yes. The one
24 that was ultimately dismissed in 2006.

1 **Q. Alright. And how would you have known about**
2 **[Maryann's Surgeon] at that time?**

3 A. Because [Maryann's In-law] then communicated with
4 [Bob's Attorney], and that led to [Maryann's In-law]
5 revealing to [Bob's Attorney] information that her husband,
6 [Maryann's ex-husband]
7 had related to her relating -- concerning
8 [Maryann]'s activities while [Maryann] and [her ex-husband]
9 were married.

10 **Q. So, it was necessary, for you to defend yourself**
11 **relative to a claim of your lack of ethical behavior,**
12 **that you inquire as to the sexual life of [Maryann]?**

13

14 A. These people were volunteering this information
15 to me.

16 **Q. So you were communicating. You said, "these**
17 **people". I know you've mentioned one name. When you**
18 **said these people --**

19 A. Well, [Maryann's ex-husband]
20 accidentally contacted me.

21 **Q. And who else?**

22 A. I don't know.

23 **Q. Are you saying you never communicated with [Ex-husband's**
24 **New Wife]?**

1 A. Not during that time, no. Not that I recall.

2 **Q. Well, I'm asking you right no, today, as of June**
3 **the 15th, 2011, have you ever communicated with**
4 **[Ex-husband's New Wife]?**

5 A. As of June?

6 **Q. Today, June 15th, 2011?**

7 A. I did communicate with [her] in early 2008.
8 That was after [Maryann] and I had split up for the final
9 time, yes.

10 **Q. Okay. Was it just one communication you had with**
11 **her?**

12 A. No, we communicated a few times, as it was always --

13 **Q. Fair to say it was a regular basis?**

14 A. And we're going to have an ongoing objection
15 regarding the relevance of all of this.

16 **Q. No. No. You're saying your defense is Miss**
17 **Madore is saying you are totally unethical. She said**
18 **that he repeatedly -- and you're saying that's**
19 **defamation.**

20 **All of this is relevant because [Ex-husband's New Wife]**
21 **happens to be the wife of the man that you were**
22 **representing the [former] wife of in his divorce; weren't you?**

23 A. At the time in 2008, she was, to my knowledge, his
24 then wife. Whether they're still married, I have no

1 idea.

2 **Q. Alright. And you were communicating with her,**
3 **[In-law] and [Ex-husband] on a regular basis; weren't you? In**
4 **those years?**

5 A. No. No, not at all. Back in 2005, around the
6 time that you're referring to in that grievance, there
7 was -- I wasn't communicating with [In-law].
8 I mean, that was pretty much between her and my attorney.

9 But, she then had [ex-husband] contact me because he
10 wanted to share information with me for my defense.

11 **Q. Sir, rather than go on, we'll stick with my**
12 **question.**

13 **Isn't it true, sir, that for a period of years,**
14 **when there was an ongoing custody matter involving [Maryann]**
15 **and her [Ex-husband], that you were**
16 **regularly providing assistance, and help, and**
17 **information to the [Ex-husband and his family]?**

18 A. No, it's not true.

19 **Q. It's not true? So, any representation that you**
20 **were providing assistance and information to the**
21 **ex-husband of your client, who you represented in a**
22 **divorce action, would be false. Is that what you're**
23 **saying?**

24 A. No. Privileged information -- outside.

1 **Q. Didn't ask you that. Didn't ask you that.**

2 A. Well, that's what you're going to get.

3 **Q. No. No, sir. We're going to stick with my**
4 **question, not your twisting of my question. Very**
5 **specifically: Isn't it true, sir, that you, on a regular**
6 **basis --**

7 A. No.

8 **Q. Fine. Isn't it true, sir, that you provided**
9 **information, assistance, and accusations of your**
10 **knowledge -- from your knowledge regarding [Maryann],**
11 **to [Maryann's Ex-husband] after you had ceased your**
12 **representation of [Maryann]?**

13 A. My representation -- I'm trying to orient this. My
14 representation of [Maryann] ended in June of 2007.
15 My communication.

16 **Q. Pardon me, sir?**

17 A. June of 2007, with respect to the divorce case
18 that's, you know, the case was --

19 **Q. Sir, when did you represent [Maryann]**
20 **regarding her divorce? In 2007?**

21 A. I'm sorry, 2003. Thank you. June of 2003, my
22 communications with [Maryann's Ex-husband], and they were
23 extremely limited thereafter. There were two blocks of
24 time when there were communications.

1 Q. Sir, I'm giving you a very general question.
2 It's not that hard. Isn't it true, that you
3 provided information and assistance to [Maryann's
4 Ex-husband], the ex-husband of your former client,
5 after you ceased representation of her, you claim, in
6 June of 2003?

7 A. No, it's not.

8 Q. And isn't it true, sir, that you were
9 communicating by a minimum -- communicating with his wife --
10 regarding assistance to [her and Maryann's Ex-husband]
11 relative to an ongoing custody battle that was going on
12 between [them] and [Maryann]?

13

14 MR. GLEASON: And I remind you, sir, you'd
15 better talk to him.

16

17 A. In 2008, there were communications between us
18 that related to ongoing issues concerning, at best,
19 the interest, well-being, and state of the children.
20 It had nothing to do with anything from, in 2003
21 and/or prior.

22 Q. Sir, I didn't say that. And my question wasn't
23 that. Isn't it true, sir, that you regularly provided
24 -- I'll ask you again.

1 Using the word, 'regularly', as it is meant in the
2 ordinary context of usage by reasonable people: Isn't
3 it true, sir, that you were regularly providing assistance
4 and information to [Maryann's Ex-husband, wife and In-law] for
5 purposes of an ongoing custody litigation slash battle that
6 was ongoing between the [Ex-husband and his family] of your
7 former client, [Maryann] Frydrych?

8 A. No.

9 **Q. Okay. Who's Bill?**

10 A. I don't know. Never met the guy. Never spoke
11 with the guy. If you're referring to someone [Maryann]
12 bragged about having a relationship with --

13 **Q. Bragged to you of an affair?**

14 A. Yes, she did.

15 **Q. So, she would brag about having affairs like**
16 **[Maryann's Surgeon]?**

17 A. Yes, she did; she talked about having the big "O"
18 with him.

19 **Q. So, she dominated you?**

20 A. She communicated that to me.

21 **Q. You'd like to hear that? Is that what you'd like**
22 **to hear that from the woman that you are engaged with,**
23 **and you want to hear about her --**

24 A. I wasn't living with her at the time, counselor.

1 **Q. -- you want to hear about her 'sexual adultery,**
2 **proress, and charms, her torrid, adulteress sex**
3 **affairs'?**

4 A. Counselor, you're twisting things again. I'm reading
5 [Maryann's Surgeon], but you are just asking me about
6 someone named Bill. That's not to anyone named Bill.

7 **Q. You didn't know -- You never had a conversation**
8 **with [Maryann's Surgeon]?**

9 A. After we reunited in 2005, a couple of months after
10 that e-mail, yes, they stopped.

11 **Q. At the time of this e-mail, it's your position**
12 **that you had never had a conversation with her, including**
13 **when you were representing her in her divorce case,**
14 **about an affair that she had had with [Maryann's**
15 **Surgeon]. Is that your testimony?**

16 A. That's correct. Yes, it is. Yes. That came to my
17 information when [Maryann's Ex-husband] contacted me
18 in 2005 and informed me about it.

19 **Q. Okay. When did [Maryann's Ex-husband] contact you?**

20 A. Shortly after his mother contacted me, and I had
21 forwarded her e-mail, without responding to it, to my
22 attorney.

23 **Q. Okay. [Maryann's Ex-husband and his wife]**
24 **were involved in a custody battle with [Maryann].**

1 **Did you ever know anything about that?**

2 A. No, they weren't.

3 **Q. Oh, they weren't? What did you do?**

4 A. There was one incident where [Maryann] took her

5 [In-law] to court seeking a protection from

6 harassment order. Something along those lines.

7 She hired counsel for that. I paid for her

8 counselor because I was not going to be involved.

9 Because, plus, I was a witness.

10 **Q. For purpose of a witness, whose attorney did you**
11 **pay for?**

12 A. [Maryann]'s.

13 **Q. Sir, would you just -- let's stay to my questions.**

14 **Sir, you're saying under oath that you were never aware**

15 **of any ongoing custody argument, battle, litigation between**

16 **[Maryann's Ex-husband] and your former client, [Maryann]?**

17

18 A. [Maryann] would relate to me that she would have

19 received phone calls from [her Ex-husband] that upset her,

20 I think, even e-mails once in a while between him and her

21 when we were back together.

22 **Q. I'm not asking you what [Maryann] indicated to you.**

23 **Did you have conversations, an exchange of e-mails with**

24 **[Ex-husband's wife] on a regular basis, assisting them and**

1 providing them help relative to their claim for a better
2 life for [Maryann and Ex-husband's] children, than with your
3 former client [Maryann]? Did you do that, sir?

4 A. I communicated with them. But the answer is not
5 the way you phrase it, counselor. So, if you want me to
6 explain, I can, but -- all right?

7 **Q. Please, the words are helpful.**

8 A. I communicated with them in 2008 for a short
9 period of time.

10 **Q. And this is after your relationship with her is**
11 **over; correct?**

12 A. Right. I was concerned about the children, and I
13 communicated with the children in 2008, not in 2003; not
14 in 2005. I was concerned about the children in 2008
15 because it appeared to me that [Maryann] had no stable
16 residence.

17 **Q. How would you know that?**

18 A. Based on what she had told me.

19 **Q. You were separated from her?**

20 A. No, but she had told me. We had just separated.

21 **Q. In 2008?**

22 A. We separated.

23 **Q. Pardon me. You were with her for three days.**

24 A. But we had talked about it, as well as -- during

1 that time -- about her circumstances and her involvement
2 and even after that.

3 **Q. So, your communications would have been shortly**
4 **after January 4th of 2008 only; is that correct?**

5 A. Concerning her circumstances and then subsequent
6 to that.

7 **Q. No. No. Am I correct? Just so that we know.**

8 A. Not really then. [Maryann] was then communicating
9 [with me] via texting or e-mail. I don't know.

10 **Q. No. No. No, sir. Were you communicating before**
11 **January of 2008 relative to -- with [Maryann's Ex-husband,**
12 **his wife or his relatives] prior to January 11th of 2008,**
13 **relative to [Maryann] Frydrych, your former client?**

14 A. I don't recall that, no. Okay?

15 **Q. You've answered that question.**

16 A. Well, no, I haven't completely. Did I say,
17 earlier in 2005, I got even --

18 **Q. We're going to get back to that.**

19 A. I'm glad.

20 **Q. Subsequent to January 4th of 2008, all it would**
21 **have taken is one e-mail to say that you're concerned**
22 **about the children. They don't have any place to live;**
23 **correct?**

24 A. Yes.

1 **Q. How many times did you communicate with [Ex-husband's**
2 **Wife] by e-mail from January 4th of 2008 till today?**

3 A. I don't know, but it was all during --

4 **Q. More than fifty times or less than fifty times?**

5 A. Oh, well less. Well less.

6 **Q. More than ten or less than ten?**

7 A. Maybe less than ten.

8 **Q. More than five; maybe less than five?**

9 A. I don't know. It could have been around five.

10 **Q. It could have been?**

11 A. I mean, back and forth.

12 **Q. At any point in time, were you concerned about --**
13 **and when was it that you were concerned about this**
14 **relationship she was having with Bill?**

15 A. Well, I didn't know anything about the
16 relationship other than what she had alleged, but it did
17 concern me that she was quickly moving in -- from the
18 information that [Maryann] was relating to me --
19 she had quickly moved in with some other person,
20 exposed the children to some new person that she was
21 living with after having lived with me. It seemed a
22 little inappropriate.

23 **Q. So, what you did is, you conducted a search?**

24 A. At the time I did, yes.

1 Q. That's because you were concerned about the
2 children. Ah, right. You were concerned about [Maryann]'s
3 children.

4 So, you figured you'd look into who this guy that
5 she's now associating with; correct?

6 A. At the time, I was concerned about the children.
7 And, frankly, I was still emotionally attached to [Maryann],
8 and I was conflicted in terms of whether I still wanted
9 to be together with her or not.

10 Q. She left you?

11 A. No, she -- I left her.

12 Q. Oh, you left her. Where were you living from
13 January 1st of 2008 until January 4th, 2008? Where were
14 you living?

15 A. I was living with my now wife.

16 Q. Okay. And, so, you left your now wife to go live
17 with [Maryann]?

18 A. I had left my now wife before living with [Maryann]
19 because I didn't live with my now wife then. When [Maryann]
20 and I --

21 Q. I asked you who you were living with, where you
22 were living from January 1st through January 4th of 2008
23 when, you have stated that you were living with [Maryann].
24 Where exactly was it?

1 A. Prior to that time, I was living --

2 Q. No, not prior to that time. When, in January 1st
3 to January 4th of 2008, that you testified that you were
4 living with [Maryann]; what is the address you were
5 living at?

6 A. [Address] in Wells.

7 Q. And whose property is that?

8 A. At the time, it was mine.

9 Q. Alright. And that's where you were living prior
10 to it and subsequent to it; weren't you?

11 A. No, not subsequent; and not prior, nope.

12 Q. Okay. So, you got up and left [Maryann] living in
13 your home?

14 A. Yes.

15 Q. Okay. So, she continued to live in your home
16 after January 4th of 2008?

17 A. For a short while, I believe, until she moved up
18 to wherever she went with this Bill person, according to
19 her.

20 Q. Okay. When was that?

21 A. Well, later on in January of 2008.

22 Q. How many days?

23 A. I don't know. You'd have to ask her.

24 Q. I have to ask her when she left your home that

1 **you were living in?**

2 A. I wasn't there when she left.

3 **Q. Did you return to your home, or did it remain**
4 **empty for a period of time?**

5 A. I returned to it two or three times during the
6 spring of 2008 --

7 **Q. So, you don't know?**

8 A. -- and removed a couple of things.

9 **Q. The bottom line is, you don't know. You don't**
10 **know when [Maryann] left you. Until at least two**
11 **months later, until the spring of 2008, you had only**
12 **been back this way a couple of times?**

13 A. No. I had been there in late January, early
14 February of 2008.

15 **Q. So, she was gone. So, you know, the next time**
16 **you went back to the home, she was gone?**

17 A. I would say two or three weeks after I left her
18 in that house --

19 **Q. No, sir. I'm asking --**

20 A. -- she was gone. Whether she just left or
21 sometime prior to that, I don't know.

22 **Q. Okay. Alright. So, you'll agree with me, sir,**
23 **that for four days she lived with you in your home. And**
24 **shortly thereafter, she left; fair?**

1 A. Within the next three weeks, at least, yes. Yes.

2 **Q. At worst?**

3 A. Probably.

4 **Q. Right. Now, sir, when she left the home, you**
5 **had heard that she had taken up with this guy Bill**
6 **because that's what she told you from January 1st to**
7 **January 4th?**

8 A. Again, none of this is relevant. We're going to
9 have this ongoing objection. But go ahead, counselor.

10 **Q. And Bill, you knew he was a doctor; right?**

11 A. Well, I didn't know. That's what she claimed.

12 **Q. So, you conducted an investigation to find out,**
13 **and he lives somewhere up in Maine?**

14 A. That's what she claimed.

15 **Q. So, you took it upon yourself to conduct your own**
16 **private investigation to find out; who's Bill?**

17 A. I did, yup.

18 **Q. Because you were concerned about the**
19 **children?**

20 A. In part, yes. But --

21 **Q. What was the other part? Were you mad? Were you**
22 **mad?**

23 A. No, I was emotionally attached to [Maryann], though.

24 And I was concerned about her, just kind of, what I

1 thought at the time, was [she was] just throwing herself
2 at someone else.

3 As I learned later on, that's pretty much the way
4 she does things.

5 **Q. This person that you've spoken to -- you would**
6 **agree with me that the documents are voluminous? That**
7 **they were -- well, we've already read how you described**
8 **her sexual, adulteress, prowess charms, torrid**
9 **adulteress sexual affair.**

10 A. Those were certainly her ex-husband's words to me.

11 **Q. There's some nasty stuff. Would you agree,**
12 **in that letter from May 6th, 2005?**

13 A. That's a matter of opinion. As evidentially her
14 ex-husband's words to me. And, frankly not too
15 dissimilar to what [Maryann's Surgeon] related to me.

16 **Q. And everything -- you're talking to everybody you**
17 **know?**

18 A. That's not true.

19 **Q. This is your former, married client; and you're**
20 **talking to her ex-husband about her. And you're saying**
21 **that you never knew about [Maryann's Surgeon] when you**
22 **were her attorney. But, you were able to find out about**
23 **this guy.**

24 A. When [Maryann's Ex-husband] contacted me in, I don't know,

1 April or May of 2005 --

2 **Q. But, you just turned that information over to**
3 **your attorney?**

4 A. I did. I informed my attorney about it also,
5 and she encouraged me to speak with [Maryann's Surgeon]
6 and to get the information.

7 **Q. And you wrote -- because we've already read the**
8 **sentence: "through extensive efforts I will not**
9 **address at this point, I have learned about the torrid**
10 **adulteress sexual affair you had with [Maryann] from December**
11 **2000 through September of 2001."**

12 **My question is: You've already indicated that --**
13 **I've read that right: "Through extensive efforts" -- what**
14 **efforts did you take?**

15 A. The communications that [Maryann's Ex-husband] initiated
16 with me. There were a few exchanges. And, ultimately --

17 **Q. No. No. No. My question is: When you said,**
18 **"through extensive efforts", what extensive efforts?**

19 A. The extensive efforts included securing tape
20 recordings that [Maryann's Ex-husband] had in his possession,
21 that he reported to me, relating to his discovery of the
22 affair between [Maryann] and [Maryann's Surgeon].

23 So, he sent them. We made efforts for those.

24 Him to get those to me. We -- I shared them with my

1 attorney. We listened to them.

2 **Q. So, you took tape recordings, from when she was**
3 **living in Maine at the time? When she**
4 **was married to --**

5 A. I think his representation to me was that those
6 tape recordings were from his home phone --

7 **Q. Okay. So, you took --**

8 A. -- in Massachusetts. When, they lived in
9 Massachusetts.

10 **Q. From the home phone in Massachusetts?**

11 A. Right.

12 **Q. And you took these tape recordings that were made**
13 **in Massachusetts, and you disseminated them to someone**
14 **else?**

15 A. No, I didn't.

16 **Q. You didn't give them to anybody else?**

17 A. No, I didn't.

18 **Q. You listened to them. What did you just testify**
19 **to?**

20 A. I listened to them.

21 **Q. You listened to -- we'll start there. So, what**
22 **you did was, these tape recordings had been taken of a**
23 **person; and you listened to them, and then you took**
24 **those tape recordings from somebody, and you gave them**

1 to two people. Who did you give them to?

2 A. I didn't give them to anybody other than my
3 attorney. I think I shared them with her.

4 **Q. So, you gave them to her?**

5 A. That was it. And I'm not sure that I did, but I
6 may have just shared the substance of it with her.

7 **Q. Okay. Who's got the tape recordings today?**

8 A. [Maryann] took them.

9 **Q. Okay. But you took those tape recordings, and**
10 **you listened to them -- tape recordings made of someone in**
11 **Massachusetts, of their communications -- you listened to**
12 **them, and then you gave them to someone else; correct?**

13 A. No, I didn't give them to anybody else.

14 **Q. You gave the contents of the information -- which**
15 **is referred to as dissemination -- you gave them to your**
16 **attorney; correct?**

17 A. With the permission --

18 **Q. This is [Bob's Attorney]?**

19 A. With the permission of the tape recordings'
20 owner, [Maryann's Ex-husband].

21 **Q. So, you think that that protects you in**
22 **Massachusetts with regards to Massachusetts recordings?**

23 **Okay. You've said plenty. We'll move on. Now,**
24 **so, you've referenced to [Maryann's Surgeon]**

1 **that you had made extensive efforts.**

2 **Somebody handed you a tape recording.**

3 **I want to know about the extensive efforts that**
4 **you made, that you represented to [Maryann's Surgeon].**

5 **Or did you lie to him?**

6 A. I didn't lie to him.

7 **Q. Then what were the extensive efforts?**

8 A. Working with my attorney, sharing information
9 with her. Information that she had obtained for me. Then
10 receiving communications.

11 **Q. Sir, that's not responsive.**

12 A. I am responding.

13 **Q. No, you're not.**

14 A. That took time -- sir, you're interrupting me.

15 Let me -- in answering my questions, you're interrupting
16 me.

17 **Q. Sir, you're entitled --**

18 A. Don't interrupt simply because --

19 **Q. Sir, the attorney can ask the question.**

20 A. You, don't interrupt. I'll interrupt you then,
21 too.

22 **Q. My question is: "Through extensive efforts I**
23 **will not address at this point, I have learned about the**
24 **torrid, adulteress, sexual affair you had with [Maryann]."**

1 **Now, the reason your answer is not responsive is**
2 **because you're talking about communicating with your**
3 **attorney who you provided the information to. I want to**
4 **know what extensive efforts you took --**

5 A. That's not true.

6 **Q. -- to find out about this torrid, sex affair with**
7 **[Maryann's Surgeon]?**

8 A. First of all, you misstated the facts that have
9 been related to you.

10 **Q. Fine. Good.**

11 A. The extensive efforts not only included my
12 transmission to my attorney of [Maryann's In-law]'s
13 initial contact to me, but also my subsequent
14 conversations with my attorney and her efforts on my
15 behalf in my defense to get information. Then the subsequent
16 communications from [Maryann's Ex-husband] to me.
17 Then sending to me, arranging to send to me, and
18 sending to me those tape recordings. Then my time spent
19 listening and then communicating the information to my
20 attorney. I viewed all of that collectively as
21 extensive effort.

22 **Q. Okay. Plural, there was more than one tape**
23 **recording; is that correct? So, now, how many tape**
24 **recordings were there, sir?**

1 A. There were, from what I recall, four very brief
2 cassette tape recordings.

3 **Q. Four tape recordings of someone's conversations?**

4 A. [Maryann] can tell you, because she secretly got into
5 the files afterwards, and she apparently removed them.

6 **Q. Okay. Now --**

7 A. Although, I imagine [Maryann's Ex-husband] still has
8 his duplicates or his originals, whatever.

9 **Q. [Continuing to read from email]: "With the assistance of my**
10 **retained counsel, I have managed to obtain hardcopies of**
11 **several e-mails -- mostly from [Maryann] to you --**
12 **but from you to her during the period of December**
13 **2000, as well as what may have been her final e-mail to**
14 **you, following your announcement and your discussion with**
15 **her about your breakup." How did you get those e-mails?**

16 A. [Maryann's Ex-husband] must have transmitted them to me.
17 I don't know. I don't even recall the e-mails at this point,
18 but --

19 **Q. Is that truthful or is that false -- that**
20 **representation you are making to [Maryann's Surgeon] that**
21 **you possess, through the assistance of your attorney,**
22 **your retained counselor; did e-mails exist or is**
23 **that false?**

24 A. I'm sure it was true. I just don't recall them

1 at this point.

2 **Q. Okay. And your retained counsel, what act did**
3 **she take to receive hard copies of these e-mails from**
4 **five years previous?**

5 A. I don't know or recall at this point.

6 **Q. Are you saying that she took actions to get**
7 **hardcopies of someone's e-mails from December 2003**
8 **through September 2001, or is that false; sir?**

9

10 MR. MERRITT: Objection, as it relates to
11 any type of privilege between he and his counselor.

12

13 A. It's not relevant either. I really don't know.

14 **Q. This is [Bob's Attorney] again; right?**

15 A. I wasn't there.

16 **Q. Is she still alive? If you know?**

17 A. I have no idea.

18 **Q. Okay. [Reading] "I am also in possession of a hardcopy of**
19 **a completed Complaint Form [Maryann] prepared and signed on**
20 **September 22, 2001, to be filed with the Massachusetts**
21 **Board of Registration in Medicine against you, and of a**
22 **letter she prepared to [Another Doctor] concerning the**
23 **affair."**

24 A. Those are things, I think, that [Maryann's Ex-husband]

1 transmitted to [Bob's Attorney] or directly to me, but, yes.

2 **Q. So, it's [Maryann's Ex-husband], who possessed all of these**
3 **materials and was transmitting them to you?**

4 A. Or to [Bob's Attorney].

5 **Q. So, are you interacting with [Maryann's Ex-husband],**
6 **who is the ex-husband of your former client that you**
7 **were representing in a divorce action against him? And**
8 **you're regularly communicating, and using him, to access**
9 **what you knew to be, or you're testifying to be**
10 **privileged or not privilege, private communications**
11 **achieved during the course of their marriage?**

12 A. They were -- they weren't private. They were the
13 property of [Maryann's Ex-husband]. Alright. He was --

14 **Q. Because he possessed them?**

15 A. And that was [Maryann's Ex-husband].

16 **Q. So, someone sent somebody else an e-mail. They**
17 **let them look at the e-mail. That person can do**
18 **whatever they want with the e-mail?**

19 A. Well, it was [Maryann] and [her Ex-husband's] telephone.

20 **Q. So, it was all legit. It was all legit. Is that**
21 **what you mean by that comment right there? The tape**
22 **recordings of her conversations, you're defending the**
23 **guy now?**

24 A. [Maryann's Ex-husband]?

1 **Q. Yes.**

2 A. I'm not defending him.

3 **Q. How would you know that? Did you ask him about**
4 **it?**

5 A. Yes, he told me.

6 **Q. Because you were concerned? How did you get the**
7 **information -- that conversation that came up?**

8 A. Well, I mean, it's not -- there's no criminal
9 statute.

10 **Q. You said it was in Massachusetts?**

11 A. It occurred in Massachusetts.

12 **Q. Right.**

13 A. And, you know, frankly, I don't recall if there
14 was a conversation about --

15 **Q. Are you making it up?**

16 A. [Maryann] obviously knew about the communications, and
17 [Maryann's Ex-husband] made that clear to me. But I don't know
18 if she actually knew that earlier.

19 **Q. Sir, these were secret. These were private phone**
20 **calls that had been intercepted, that you were concerned**
21 **with; and that's what you inquired about. How did you**
22 **record them?**

23 A. No. As a matter of fact, [Maryann's Ex-husband] had told
24 me that one of the recordings was made of [Maryann's
Surgeon].

1 With [Maryann's Surgeon]'s knowledge.

2 [Maryann's Ex-husband] actually made an effort to meet with
3 [Maryann's Surgeon] somewhere, and he recorded the
4 conversation, and he let --

5 **Q. So, now [Maryann's Ex-husband] is recording [Maryann's**
6 **Surgeon]?**

7 A. He did that, and I explained all of that to
8 [Maryann's Surgeon].

9 **Q. So, you people have knowledge, and I'm going to**
10 **represent to you that Massachusetts General Law Chapter**
11 **272, Section 99, is extremely lengthy.**

12 A. I'm familiar with that, counselor.

13 **Q. Specifically about crimes involving interception**
14 **of communications.**

15 A. I would say extremely.

16 **Q. Now. Thank-you for having said that. You're**
17 **aware of the crime of interception of verbal and oral**
18 **communications.**

19 **And being an attorney, what act did you take?**

20 **What actions did you take when you became aware in 2005,**
21 **as a Massachusetts' attorney, that there were people --**
22 **there was somebody who was intercepting and conspiring**
23 **with somebody to intercept the communications of [Maryann]?**

24 **What actions did you take at that time?**

1 A. The representation was that [Maryann] knew about these
2 recordings. [Maryann's Ex] had confronted her about them.

3 **Q. Sir, my question is: As an attorney, as a**
4 **Massachusetts' attorney, after telling me that you're**
5 **very aware of Chapter 272, Section 9; when you**
6 **possessed information that there was the unlawful**
7 **interception of communications of [Maryann], and**
8 **then you possessed the tapes;**
9 **What action did you take, relative to that**
10 **information that you possessed?**

11 A. I did not possess -- I did not reach the
12 conclusion --

13 **Q. I'm not asking you that. What actions did you**
14 **take? Not what your conclusions were.**
15 **What actions did you take? You've already told**
16 **us, under oath, that you're familiar with Chapter 272,**
17 **Section 99. What actions did you take?**

18 A. Well, the problem with your question, counselor,
19 is there are legal conclusions in your question.
20 So, the answer is: You're question is improper.
21 And because, in my view, there were no illegal actions,
22 I took no action.

23 **Q. Fine. Fine. Okay. So, your answer to my**
24 **question is: When you possessed these tapes of the**

1 **taping of someone's communications on the phone, you**
2 **did nothing with it.**

3 **You listened to it, examined**
4 **it; and then turned it over to your attorney. That's**
5 **what you testified.**

6 A. I -- the information, I don't know if I turned
7 the tapes over.

8 **Q. Well, you indicated that you listened to them**
9 **and you examined them, because you were talking about**
10 **extensive efforts; right? Do you remember that?**

11 A. That was part of it.

12 **Q. So, you listened to them, and then you turned**
13 **them over to somebody else?**

14 A. No, that's not true.

15 **Q. The information got turned over.**

16 A. Thank-you, counselor.

17 **Q. And you took no action relative to the conduct.**
18 **You say that [Maryann's Ex-husband] was providing you**
19 **physical evidence of verbal communications -- of what**
20 **he had done; correct?**

21 **You took no action from a legal perspective or an**
22 **ethical perspective; correct?**

23 A. I am not aware that there was any action that was
24 required to be taken.

1 Q. I didn't ask you that. You took no action.

2 Just, so, the record is clear.

3 A. Other than turning the information over to the
4 attorney, no. Right.

5 Q. And listening to them, and examining the tapes;
6 correct?

7 A. Yes.

8 Q. And then you -- subsequently, you
9 testified too, that you became aware -- to use the word
10 a concierge between [Maryann's Ex-husband] and [Maryann's
11 [Surgeon], to intercept the private communications of
12 [Maryann]; correct?

13 A. I don't know that there was any conspiracy. I
14 have no information one way or the other.

15 Q. What was your testimony, from a few moments ago,
16 relative to the actions that [Maryann's Ex-husband] and
17 [Maryann's Surgeon] were undergoing?
18 What were they doing with regards to [Maryann]'s
19 private communications?

20 A. What were they doing?

21 Q. What were they doing?

22 A. You're referring to [Maryann's Ex-husband and Surgeon]?

23 Q. Yes.

24 A. I don't know what they were doing. I wasn't

1 there.

2 **Q. Well, didn't you describe it?**

3 A. I listened to tape recordings.

4 **Q. That they had taken of her; correct?**

5 A. I don't know. My understanding is that [Maryann's
6 Ex-husband] recorded these things. [Maryann's Ex-husband]
7 had [Maryann]'s answering phone system.

8 **Q. And with regards to those tapes of [Maryann],**
9 **by either one or both of [Maryann's Ex-husband] and [Maryann's**
10 **Surgeon], what actions did you take as an attorney**
11 **licensed in Massachusetts relative to that conduct?**

12 A. I turned the information over. I turned the
13 information over to my attorney.

14 **Q. Okay.**

15 A. And this is not relevant, counselor. We're going
16 to have this ongoing objection.

17 **Q. Were you ethical or not? Because you can't be**
18 **both. If you're not ethical, then this is all**
19 **relevant.**

20 A. No, it's not. Your client's actions preceded all
21 of this.

22 **Q. Fine.**

23 A. You know better. You are just being hateful,
24 counselor, and you know it.

1 **Q. I am also in possession --**

2 A. And your client -- let the record reflect that your
3 client is laughing.

4 **Q. [Reading] "I'm also in possession of -- that [Maryann]**
5 **prepared and signed on September 22, 2001, to be filed with**
6 **the Massachusetts Board of Registration in Medicine**
7 **against you in the letter she prepared to [Another Doctor]**
8 **concerning the affair. Does such a letter exist?**

9 A. It did. I don't have it now, but it did.

10 **Q. Okay. What did you do with the letter?**

11 A. [Maryann], when she was employed by my firm, evidently
12 got into my old Bar grievance files and removed contents
13 from it, including the tapes that we've just
14 discussed.

15 **Q. When did she work for you?**

16 A. The question is whether she worked for anybody. But,
17 technically, she was on the payroll and supposed to be
18 working during much of the time that we were back
19 together, from July --

20 **Q. May 6th of 2005 -- you've already testified, that**
21 **was two months before you got back together with her.**

22 A. Right.

23 **Q. Therefore, she would have been working subsequent**
24 **to May 6th, 2005. The answer that you've just given**

1 **doesn't apply; doesn't it?**

2 A. No. Do you want to answer the question? You
3 asked me a question.

4 **Q. Sir, you said she went into your files, and that**
5 **she was working for you after May 6th of 2005. How**
6 **would that apply to a letter that's written on May 6th,**
7 **2005?**

8 A. You asked me if I still have it, and I told you I
9 don't. No, I don't.

10 **Q. Okay. The answer that you gave regarding her**
11 **working for you, was after this letter. My question is:**
12 **Do you still possess that letter? Yes? Yes or**
13 **no?**

14 A. I just answered your question. No, I don't
15 believe I have it.

16 **Q. Fine. The answer is: No. [Reading] "We are also in**
17 **possession of other evidence concerning your affair."**
18 **What is the other evidence that you possess regarding**
19 **her affair?**

20 A. The contents of the tape recordings.

21 **Q. Okay. Now, you had already indicated to this**
22 **gentleman, [Maryann's Surgeon], that you needed his**
23 **help.**

24 **Your Hearing was coming up on May 19th and 20th.**

1 **Were you threatening him, sir?**

2 A. No. I was telling him, though, that my attorney
3 wanted to subpoena him for --

4 **Q. No, sir. As of this point in time, I hadn't --**
5 **As of this point in time in the letter, there's no**
6 **mention that your attorney was going to subpoena him or**
7 **conversation; 'my attorney is going to want to subpoena**
8 **you.'**

9 **I'm asking you, with that comment, are you**
10 **threatening him?**

11 A. No, not at all. And we subsequently spoke on the
12 telephone, and that was made clear to him.

13 **Q. [Reading] "As well as [Maryann]'s conversations with others**
14 **about you, while the affair was ongoing."**
15 **What other conversations was [Maryann] having with**
16 **others about him while the affair was ongoing?**

17 A. I'm sorry. You're kind of losing me because all
18 of --

19 **Q. "We are also in possession of other evidence**
20 **concerning your affair, as well as of [Maryann]'s**
21 **conversations with others about you while the affair was**
22 **ongoing."**

23 A. Yes, one of the tape recordings -- I'm trying to
24 recall if there was some kind of a conversation he had

1 with some friend of hers, that she had out back in
2 Pennsylvania, or whatever.

3 I know that [Maryann's Ex-husband] had related to me, in any
4 event, that she had bragged to some friend of hers out
5 in Pennsylvania or Ohio. Someone who used to be one of
6 her best friends when they were growing up together.
7 About her affair with [Maryann's Surgeon].

8 **Q. So, she's having a private conversation with an**
9 **old friend, talking about a sexual affair; and you did**
10 **what with that information?**

11 A. I believe --

12 **Q. And you did nothing. And then you dispensed it**
13 **to your attorney, and then you're communicating it?**

14 A. Well, it wasn't privileged to me.

15 **Q. Who says? What is your answer? Is that, yes,**
16 **that's what you did?**

17 A. It was the property of [Ex-husband] and [Maryann].

18 **Q. The dissemination -- Read Chapter 272, Section 9.**

19 A. Oh, I have.

20 **Q. Good. You're very familiar with it?**

21 A. I'm not very familiar.

22 **Q. You've read it; you're on the way. [Reading] "Further, I**
23 **have uncovered very considerable evidence establishing**
24 **that you are very far from being [Maryann]'s first**

1 co-adulterer and very far from being the last."

2 What information do you possess that he was
3 very far from being [Maryann]'s first co-adulterer?

4 A. It was information that [Maryann's Ex-husband] gave to me.

5 Q. Was that [Maryann] or [Ex-husband]? You said both names.

6 A. [Maryann's Ex-husband].

7 Q. Okay. So, [Maryann's Ex] is aware. And how about, "is
8 very far from the last"? Same thing, [Maryann's Ex]?

9 Those are quite the conversations you're having
10 with [Maryann's Ex-husband].

11 A. Yes. That was his impression. He stated that.

12 Of course, his mother-in-law had indicated that to
13 my attorney, from what I recall, and it was my
14 impression as well, frankly.

15 Q. So, what you are doing is, you are engaging on a
16 regular basis with your client's ex-husband and your
17 client, who you represented in a divorce, about the
18 affairs and stuff that were ongoing during the course of
19 their marriage, including the taping of her private
20 communications and --

21 A. For the limited purpose of my defense. We were
22 not getting into [Maryann]'s -- we were not getting into any
23 matters that --

24 Q. And you are entitled to do that?

1 A. -- that were outside the scope of the defense.

2 **Q. Okay. Okay. And, so, it is relevant to your**
3 **defense, because, what did she charge you with?**

4 A. She, meaning [Maryann]?

5 **Q. [Maryann]. You were defending yourself against [Maryann]?**

6 A. Yes, she had --

7 **Q. What did she charge you with?**

8 A. -- claimed that I had engaged in an affair with
9 her while she was still a client -- evidentially --

10 **Q. Okay. And how would --**

11 A. -- in 2003.

12 **Q. How would her private communications, regarding**
13 **her sex life, found by, or received, or gotten**
14 **by her ex-husband; how would that be relevant to a**
15 **defense?**

16 A. In my attorney's opinion, it was very relevant.
17 She referred to [Maryann] -- and her favorite word that she
18 used very often, which I thought was strange, was floozie.

19 **Q. But, you think she's a bad attorney?**

20 A. [Bob's Attorney]?

21 **Q. Well, you regularly commented and wrote to**
22 **people; didn't you?**

23 A. I don't recall that, no.

24 **Q. You don't?**

1 A. I certainly, you know -- I changed lawyers after
2 the Hearing.

3 **Q. Okay.**

4 A. But, to answer your question --

5 **Q. So, you and your attorney believed it was**
6 **relevant that you put together sexual, graphic**
7 **information on somebody when she accused you of having**
8 **had a relationship with her, of a sexual nature, while**
9 **you're representing her?**

10 A. Well, it was very clear, yes, because,
11 according to my own attorney, it was very clear
12 that [Maryann] would go after men who were professional; and,
13 in fact, married with families.

14 **Q. It was her fault the relationship occurred?**

15 A. She bore some responsibility. That's one of the
16 problems you and your client have, as well as [Maryann].

17 **Q. Do you bear any responsibility?**

18 A. I certainly did, and I had to pay the
19 consequences of that.

20 But the bottom line is; just because they're not
21 lawyers, doesn't mean that they don't have to accept
22 responsibility for their actions, too.

23 And, instead, they, like you, always turnaround
24 and just go after the person who is attacking them,

1 requiring them to be accountable as well. They don't
2 like that.

3 **Q. Sir, you know that -- as you've indicated earlier --**
4 **that [Maryann] -- that there were sexual relations**
5 **prior to the date that you say that it started.**

6 A. I am aware of sexual relations with whom?

7 **Q. You and her?**

8 A. We had sexual relations that began at the time of
9 termination of my representation of her as an attorney
10 in, I think, the date was --

11 **Q. According to whom?**

12 A. Both of us -- June 20, 2003.

13 **Q. And isn't it true, that The Board greatly frowned**
14 **upon -- even if they accepted as true, what you**
15 **represented -- they frowned upon your actions. Yes or no?**

16 A. For one reason, yes; for one reason. I didn't get
17 the court's permission to withdraw. I needed to do that
18 first. The motion, it had already been prepared.

19 **Q. And what happened is -- even according to your**
20 **version of the facts -- that; here's this person in my**
21 **office, and according to you, she wanted to get it on.**
22 **So, you withdrew. You advise her you were**
23 **withdrawing as her attorney, and then you got it on. Is**
24 **that how it went down?**

1 A. No. It was a little more mutual than that. At
2 least, I thought it was.

3 **Q. So, the fact of the matter is, is that she's a**
4 **bad person for doing that?**

5 A. No, we were both bad for doing that.

6 **Q. It's -- everyone else is to blame?**

7 A. No, everyone -- Not everyone else. Everyone is to
8 blame.

9 **Q. My role is to accept blame for your conduct?**

10 A. You're attacking me. You're distorting things.

11 **Q. What's my job? What's my job? To represent you,**
12 **or to be a judge, or to represent my client? Sir,**
13 **what's my job?**

14 A. Your job is to be firm with your client and
15 question relative.

16

17 MR. MERRITT: If we've got a question
18 relative, let's hear it.

19 MR. GLEASON: Fine.

20

21 **Q. Sir [Reading]: "I write to you from my home computer in**
22 **the interest of protecting your privacy. While you may**
23 **feel free to contact me at my law office address, it**
24 **would be preferable and more expeditious if you were**

1 to contact me at my home e-mail address above, namely,
2 [Bob's email address]. I do request, however,
3 that you contact me by 5:00 o'clock today to arrange a
4 candid telephone conversation between us, and that you
5 provide me with a telephone number, date, and time when
6 I may reach you within the next forty-eight hours to
7 thoroughly discuss [Maryann]." Did I read that accurately?

8 A. It sounds like you did.

9 Q. So you gave him until the end of the day to
10 contact you; is that correct?

11 A. Sounds like I did.

12 Q. Alright. "And you may be assured that I will not
13 require you to discuss physician-patient protected
14 information.

15 "But, you should also understand that adulteress
16 conduct between a physician and patient is not
17 privileged."

18 Sir, you had an attorney. Why didn't you let
19 your attorney contact him?

20 A. She asked me to do it.

21 Q. She asked you to do it because you have a way
22 with communicating?

23 A. No. Because she was already busy preparing the
24 case, and she wanted to know.

1 Q. So, it's your attorney who wanted you to contact
2 [Maryann's Surgeon] and speak to him personally?

3 A. Yes.

4 Q. And did anyone advise you to speak to [Former Bookkeeper]
5 personally when you had your Hearing coming up?

6

7 MR. MERRITT: Objection.

8

9 A. She contacted me and asked me to speak with her.
10 She was concerned.

11 Q. Okay?

12 A. She contacted me. I didn't search her out.

13 Q. [Reading] "The language, tone and history of [Maryann]'s
14 sexually charged e-mails between you, and of her
15 threatened professional conduct-related complaints at
16 the end of her affair with you extremely closely
17 parallel my own experience with her, from A to Z." Did
18 I read that correctly?

19 A. Sounds like it.

20 Q. Okay. "I met [Maryann] in March 2003, when she made
21 an appointment to begin a divorce proceeding. She was
22 twenty-nine; I was forty-eight. She told me many things
23 about her relationship with [Ex-husband], and about her
24 allegedly innocent, vulnerable past, and of her allegedly,

1 historically unhappy marriage, as well as, surprisingly,
2 without any solicitation or need whatsoever, very
3 graphic sexual information concerning her experiences
4 with and unhappiness about [Ex-husband], all of which I later
5 learned were untrue."

6 A. Okay.

7 Q. Did I read that correctly?

8 A. Sounds like it.

9 Q. When was she telling you all of this graphic
10 stuff about her terrible relationship with [Ex-husband]?

11 A. After we --

12 Q. Began a sexual relationship?

13 A. Yes. I mean, most of the real, real --

14 Q. I'm not asking about most.

15 A. -- details, were after we were a couple. While
16 we were a couple.

17 Q. Okay. And, so, during the course of the
18 representation for a divorce, were there any discussions
19 that she had with you?

20 "She told me many things about her relationship
21 with [Ex-husband]." Did she talk to you when you were
22 representing her about her relationship with [Ex]?

23 A. It was limited. I mean, she stated that she was
24 unhappy. She wanted a divorce.

1 Q. So, for months, it was for months that she's
2 representing you -- excuse me -- you're representing her
3 for months regarding her divorce from [Ex]. You had
4 very limited conversations with her about her
5 relationship with Ex? Is that your answer?

6 A. Pretty limited. She was very unhappy, and I
7 don't know how appropriate it is for me to get into what
8 she did tell me while I was her attorney. I guess, you
9 are.

10 Q. I'm her attorney. For what, sir?

11 A. I understand you represent [Maryann].

12 Q. Sir, why don't you answer the questions.

13 You can't say whatever you darn well, please, sir.

14 In the context of this room, you've got to answer
15 your questions. And you're smart enough to know how to
16 answer questions. You can say if it's relevant and
17 responsive to my questions. Do whatever you want to do.

18 A. I guess.

19 Q. And about her "allegedly, intolerable past." Did
20 she talk to you during the months that you were
21 representing her in a manner where she was talking to
22 you about how she viewed her intolerable past?

23 A. I don't recall that, no. I think that was more.

24 Q. So, just so we're clear, the answer is: No. The

1 **answer is -- with regards to relations while she's going**
2 **months --**

3 A. The answer was not no. I don't recall.

4 **Q. My question, just a moment. My question, sir:**

5 **For months you're representing her about a divorce from**
6 **a guy named [Ex], and you're saying it's very limited,**
7 **the conversation she had with you about [Ex-husband],**
8 **and you don't remember anything during that**
9 **representation about her talking to you about her**
10 **intolerable past; correct?**

11 A. I don't really recall much about that.

12 **Q. Fine, I know.**

13 A. Again, the concern I have is how much I can talk
14 about that without her authorization or your
15 authorization, as per her attorney, in terms of what she
16 told me --

17 **Q. Sir.**

18 A. -- generally.

19 **Q. Because you would agree with me, sir, that if you**
20 **were disclosing communications that you had with [Maryann]**
21 **regarding her communications with you during**
22 **the course of your representation, that is one of the**
23 **number one forbidden things to do, for an attorney;**
24 **correct?**

1 A. It may be. Depending upon the context in which
2 it's used. Here, we were dealing with a Bar Defense. All
3 of this information was also known to [Maryann] well before
4 that Bar Complaint that involved in part [Maryann's Surgeon].
5 And the information with [Maryann's Surgeon] was
6 dismissed. So, it's all -- it's dead -- it's res judicata.
7 Your client wanted to resurrect it. Quite
8 frankly, you're clutching at straws.

9

10 MR. MERRITT: Is this the indication, or is
11 this the unethical conduct that you're claiming is
12 referred to in your client's Bar Complaint?

13 MR. GLEASON: This is what one of the
14 documents is that was listed, yes.

15 MR. MERRITT: Okay.

16

17 **Q. During the course of your representation, did she**
18 **talk to you? Did [Maryann] talk to you about her**
19 **'historically unhappy marriage?'**

20 A. Again, do I have her permission, or yours, to
21 discuss what she discussed with me during the time I
22 represented her?

23 **Q. Sir, you wrote it. I'm asking you whether, sir,**
24 **fine. Sir, this is all about whether you disclosed.**

1 **You've even admitted this -- That this is all**
2 **about this Hearing. This is all about whether**
3 **you did or you didn't. The answer is: That you had**
4 **different --**

5 A. That's not what I said.

6 **Q. Sir, what is your answer?**

7 A. What I'm saying is, that, under the
8 circumstances, I don't feel comfortable discussing with
9 anyone here what she told me during the course of
10 representation, to the extent that it's not --

11 **Q. I'll put it --**

12 A. -- for my defense.

13 **Q. Sir, in fact, did you ever have -- did [Maryann]**
14 **ever indicate to you, during the course of your**
15 **representation, that she had a historically, unhappy**
16 **marriage? Yes or no?**

17 A. Do I have her permission?

18 **Q. Yes, you do.**

19 A. She made it clear to me that she was very unhappy
20 in her marriage. She felt that since [Ex-husband] had --

21 **Q. Okay. So, she did. She indicated to you that**
22 **she was historically unhappy in her marriage?**

23 A. That was her representation.

24 **Q. And you disclosed that to [Maryann's Surgeon];**

1 **correct, in this letter?**

2 A. My understanding was --

3 **Q. Did you write it? Did you write that she had an**
4 **allegedly historically unhappy marriage? Isn't it true**
5 **you wrote that to [Maryann's Surgeon]?**

6 A. That's what she claimed, and that's what I wrote.
7 Right.

8 **Q. As well as -- what she claimed that you were doing**
9 **is, in fact, what you did?**

10 A. And it's, in fact, what she was relating to
11 [her surgeon] when she was having her affair with him and
12 pursuing him.

13 And I imagine she -- well, with that, she was
14 pursued. I'm sure she talked about all of her woes in
15 the past.

16 **Q. "As well as, -- very graphic sexual**
17 **information concerning her experiences with, and**
18 **unhappiness about [Ex-husband]?**

19 A. Now, that information, she didn't impart to me
20 during the time that I represented her. That was much
21 later that, when we were together, that she got into
22 those things.

23 **Q. So, during the time that she's -- that you're**
24 **representing her for divorce, she didn't say anything**

1 **about very graphic, sexual information concerning her**
2 **experiences and her unhappiness with [Ex-husband]?**

3 A. No. Nothing graphic, no.

4 **Q. During the months that you were representing her,**
5 **she didn't talk about that?**

6 A. Nothing graphic, no.

7 **Q. Alright. She started to talk about her**
8 **unhappiness with [her Ex]. And the very, graphic sexual**
9 **information, her experiences and unhappiness, she**
10 **started to talk about that when you were living together;**
11 **right?**

12 A. Yes, after we started living together.

13 **Q. So, before, when you're working for her on the**
14 **divorce, she didn't talk about her unhappiness with**
15 **[Ex-husband] and graphic, sexual information.**
16 **She waited until you're living together and**
17 **involved in a relationship, and she decided to tell you**
18 **about very graphic, sexual experiences and the**
19 **unhappiness that she was having with [her Ex-husband]?**

20 A. The graphic part, yes, to the extent that it
21 became that way. The real focus of our communications
22 was --

23 **Q. Was this before? While you were representing**
24 **her?**

1 A. Well, while I was representing her, the issues
2 were the children, and the custody, getting him out of
3 the house, and support, property, the division. Those
4 are the real issues.

5 **Q. And, of course, it never got to a sexual nature**
6 **and content; correct? Because, that conversation took**
7 **place afterwards?**

8 A. Well, it started to become that way, but only as
9 between her and me on the day that we ended up started
10 having an affair.

11 **Q. Because, all of a sudden, there's a sexual act**
12 **going on in your office.**

13 A. Right.

14 **Q. And, literally, now there's a sexual act going**
15 **on?**

16 A. To some degree. It's a bit of an exaggeration,
17 but yes.

18 **Q. And it just so happened that you had -- in the**
19 **proceeding of shortly before that event -- you had brought**
20 **a Petition before the Court to have [Ex-husband] thrown out of**
21 **the home; correct?**

22 A. About a month, a month-and-a-half before that,
23 she had asked me to file a Motion.

24 **Q. About what? She asked you. When did you file**

1 **it?**

2 A. I don't know the dates.

3 **Q. If I indicated to you it was the week before,**
4 **sir, would that refresh your memory?**

5 A. No, that wouldn't be true. We actually went to
6 Court. We had a mediation, and he signed an agreement
7 to leave. And that could not have all happened within a
8 week.

9 **Q. What did you say? Repeat that, please.**

10 A. We actually went to Court for a Hearing, or a
11 mediation on that. He signed an agreement to leave
12 after that Motion was filed.

13 That could not all have happened within one week,
14 and it's what she wanted. I couldn't have cared less if
15 he was out of the house.

16 **Q. Okay. But, shortly before this sexual encounter,**
17 **you had brought a Petition for him to be out of the**
18 **home; correct? We can agree on that one.**

19 A. A Motion was filed somewhere during the course of
20 the case, but several weeks before she and I became
21 involved.

22 **Q. So, it's, it's your testimony that it was several**
23 **weeks before?**

24 A. That's my recollection.

1 Q. And, certainly, the documents would demonstrate
2 what the dates are; correct?

3 A. I'm assuming so.

4 Q. And how long was it before you moved into that
5 home and began to sleep in that bed?

6 A. How long after he signed his agreement?

7 Q. No. How long after you filed? Sometime before,
8 you filed a Motion for him to be thrown out of the home;
9 correct?

10 A. Probably.

11 Q. You brought it. And then on Friday, June
12 20-something, you've withdrawn, and then have a sexual
13 encounter in your office with her; correct?

14 A. Right.

15 Q. And how long after that sexual encounter were you
16 living in her home, sleeping in her bed, with [Ex-husband]
17 now kicked out of the house?

18 A. My recollection, my guess would be about two
19 weeks, maybe a little bit more.

20 Q. How about a little bit less?

21 A. It was, give or take, about two weeks.

22 Q. And so --

23 A. Again, this isn't relevant, but carry on,
24 counselor.

1 **Q. Thanks .**

2 A. You can use your time any way you want, but you
3 get eight hours total. So, use it any way you want.

4 **Q. Thanks. Now, sir, how long did you stay in the**
5 **home?**

6 A. About six weeks with a brief separation during
7 that time.

8 **Q. Okay. And one question I forgot to ask you.**
9 **Going back to [Former Bookkeeper]. When she left your**
10 **employment, did she make a claim against you?**

11 A. I'm sorry, when she?

12 **Q. ...Left your employment; did she make a claim**
13 **against you or your business?**

14 A. Well, she filed her Protection Order; within the
15 context of that, she made employment-related claims and
16 other things, yes.

17 **Q. [Former Bookkeeper] made -- sought protection from you; is**
18 **that what you're saying?**

19 A. [Former Bookkeeper]?

20 **Q. [Former Bookkeeper] was my question.**

21

22 MR. MERRITT: I think he missed your
23 question.

24 A. I thought you were referring to [Maryann].

1 **Q. No. [Former Bookkeeper], after she left your employment**
2 **in 2008, did she make claim against you?**

3 A. I don't recall. Unless, maybe, she filed an
4 unemployment claim. But the terms of her separation,
5 were intentionally designed so that she wouldn't be able
6 to do that if she wanted to.

7 **Q. Did she make a claim for personal time that was**
8 **disputed?**

9 A. I don't recall. I don't think so. I don't think
10 she made claims and/or anything.

11 But, to be on the safe side, we may have
12 scheduled that type of claim in the bankruptcy, and she
13 didn't challenge it.

14 In fact, she even prepared that, the Corporate
15 Bankruptcy Petitions for me.

16 **Q. I'm going to show you a document -- which**
17 **you've already identified as your Filing of Nadeau and**
18 **Associates, from Schedule E, Creditors Holding Unsecured**
19 **Priority Claims; and ask if you can identify that for**
20 **me?**

21 A. Yes, it confirms that her potential claim for
22 even personal time, which was disputed, was scheduled.
23 And [Former Bookkeeper] prepared all of this herself for my
24 signature and filing with the Bankruptcy Court. She,

1 herself, prepared this.

2 **Q. Okay. And when was this prepared?**

3 A. Well, it would have been in connection with the
4 original filing in February, I believe, of 2008.

5 **Q. And, so, sir, did you indicate that her claim was**
6 **for \$10,950.00 for earned personal time and for disputed**
7 **vacation and sick leave?**

8 A. Apparently that was a claim that she was
9 asserting that she was entitled to. She was on salary, so.

10 **Q. Well, sir, the fact of the matter is, that before**
11 **[you signed] these documents that you now claim that she**
12 **prepared, you examined them, authorized them, you verified and**
13 **swore to their accuracy and authenticity?**

14 A. So?

15 **Q. So, sir, what was the -- are you saying -- it**
16 **indicates here that there was disputed vacation and sick**
17 **leave?**

18 **So, there was a dispute ongoing. She was saying**
19 **to you that she was owed and entitled to money, and you**
20 **listed --**

21 A. She apparently was, yes.

22 **Q. -- an amount that she was claiming from you was**
23 **\$10,950.00?**

24 A. We're going to have an ongoing objection. But,

1 yes, apparently so.

2 **Q. Thank you. And is it your statement, sir, that**
3 **this was -- how did you categorize this earlier?**

4 A. I characterize it?

5 **Q. That's an unemployment claim?**

6 A. That's not an unemployment claim, that schedule.

7 **Q. Your answer, I'm talking about.**

8 A. Which answer are you referring to, counselor?

9 **Q. The one you just gave. That's not a schedule?**

10 A. An unemployment claim.

11 **Q. No, I understand that. I assure you I understand**
12 **that.**

13 **Sir, I asked you earlier about any claims, and**
14 **you were talking about some kind of an unemployment**
15 **claim. And that's it.**

16 **In fact, there was a dispute on vacation and sick**
17 **leave, the discussion arising to the level of \$10,950.00.**

18 A. Eventually, that also happened, yes.

19 **Q. How much was she paid a week?**

20 A. She was on salary, and I don't recall what her
21 salary was at this point.

22 **Q. Five hundred bucks a week?**

23 A. It's about five hundred bucks a week. I'm
24 thinking it was thirty-five.

1 Q. You were paying your bookkeeper thirty-five to
2 forty thousand a year?

3 A. Yes.

4 Q. Okay. And then that would reflect somewhere that she
5 was making a claim for about fourteen weeks of work?

6 A. Even though she was salaried, yes. I mean,
7 that's why we scheduled. Because she had made some
8 reference to it, but I think that she was, she agreed
9 that it really wasn't something that she could collect
10 on, but it was put in there just in case.

11 Q. Okay. Now, sir [Reading]: "She also told me that
12 she underwent breast augmentation surgery in
13 Massachusetts because [Ex] allegedly wanted it. But,
14 she did not mention you by name and never indicated that
15 she ever had an affair with anyone in her past or any
16 complaints about anyone other than [Ex-husband]."

17 A. Do you have a question?

18 Q. Yes, my question is: You felt it necessary
19 to talk about her breast augmentation surgery
20 to the doctor?

21 A. He was the one that did it.

22 Q. Right. You felt it necessary to talk about that.

23 A. That's how I know he did it. That's how.

24 Q. How many people have you communicated that

1 information to, that she's had breast augmentation, sir?
2 How many times have you written and disclosed to
3 people -- the personal nature of that procedure to others?
4

5 MR. MERRITT: Objection to the form.
6

7 **Q. Including [Maryann's Surgeon]?**

8 A. I really don't know. I mean.

9 **Q. More than a few times?**

10 A. I'm trying to think who would know. I'm sure
11 [Nancy Madore] knows. She knew that anyway.

12 **Q. No. No. No. That you disclosed?**

13 A. [Ex-husband] knew it.

14 **Q. Sir, that you disclosed it to in your writings,**
15 **sir.**

16 A. I really don't know if I did.

17 **Q. So, you don't have a memory of disclosing to**
18 **anyone. Do you blog?**

19 A. Do I write a blog?

20 **Q. Do you blog?**

21 A. No, I don't.

22 **Q. You don't blog?**

23 A. I don't even -- I do know. I've seen things
24 that, I think, people call blogs on the Internet.

1 Q. You don't know what a blog is? Sir, do you
2 recall writing in or about November 4th of 2010, a blog
3 or communication, however you want to refer to it, about
4 your relationship with [Maryann]?

5 A. I don't recall. If you want to show me
6 something, counselor.

7 Q. [Reading] "As Kenny Rogers quote: 'Have you ever kicked a
8 good man when he was down just to make you feel strong?
9 Tell it all, sister.'" You added. "Signed, Robert MA
10 Nadeau."

11 A. I recall something to that effect, yes.

12 Q. And this goes out. And your mother is [Bob's
13 Mother]; correct?

14 A. Yes.

15 Q. Okay. And how is your memory now? What about Amy
16 McCarthy?

17 A. What about Amy McCarthy?

18 Q. Is that the Amy McCarthy that you were in the
19 business with?

20 A. Back in the early 2000s, yes.

21 Q. So, these are all names that you're familiar
22 with?

23 A. Yes, we've got an ongoing objection. Again, I
24 just don't --

1 **Q. The Maine Board of Bar Overseers. Do these words**
2 **that I'm using, and these inferences, or people being**
3 **written about, do they refresh your memory about writing**
4 **a blog for publication over the**
5 **Internet?**

6 A. I didn't write on a blog.

7 **Q. What would you call it that you wrote?**

8 A. I wrote something to some column. I think it was
9 some column.

10 **Q. And what was it that you wrote about?**

11 A. It was in response to something that someone had
12 written about me.

13 **Q. So, who did you write about when someone wrote**
14 **about you? Because you had been blogging on this site,**
15 **and someone wrote something about you. So, you decide**
16 **to write about somebody. Who did you write about**
17 **primarily?**

18 A. I'm not sure whether I had been writing at all on
19 this site, but I did see this. And I wrote some kind of
20 a response. And you have it in front of you. So, at
21 this point, you know more about its content than I do.

22 **Q. I'm asking what you remember writing about.**

23 A. Without seeing the document, frankly, counselor,
24 I don't recall all of the specifics. So, you'd have to

1 show me the document.

2 If you would be kind enough to do that -- you're
3 interrupting me, counselor, then I will, will be --

4 **Q. Sir, you're rambling. You're --**

5 A. ...obtuse, counselor. And if you stop being obtuse,
6 I would be happy to answer your question.

7 **Q. Sir, did you write about -- isn't it true, sir,**
8 **that you're obsessed with [Maryann], even up to and**
9 **including today?**

10 A. No. Am I? No. No, not at all.

11 **Q. And as a matter of fact, sir, I know that you**
12 **claim to be the happiest guy in the world relative to**
13 **your current, ongoing marriage. And I certainly hope that**
14 **you are.**

15 **But even recently, you were writing a ledger about**
16 **your experience with [Maryann]; weren't you?**

17 A. My wife and I, at that time, had briefly
18 separated. And I was at that point feeling free to
19 address the damages that had been done to [Maryann]. One of
20 the problems --

21 **Q. I'm not asking about any of the problems.**

22 A. Fine.

23 **Q. Sir, you wrote that you were a caring, faithful**
24 **husband and father --**

1 A. Until I met [Maryann], yes.

2 Q. Okay. "Then immediately told M" -- the "M" is
3 [Maryann]; correct?

4 A. Well, yes, I didn't name her.

5 Q. - "that I required to cease being her lawyer."
6 That's what you wrote; correct?

7 A. I believe so.

8 Q. So, you were electing to put out over the
9 Internet your relationship, identifying yourself and
10 your relationship and your experience, in your words,
11 with [Maryann]; correct?

12 A. Counselor.

13 Q. I'm just asking you: Yes or no?

14 A. You're taking it out of context as you always do.

15 Q. "I then immediately told M that I was required
16 to cease being her lawyer before anything physical
17 between us occurred."

18 A. That information was already --

19 Q. Did you write that?

20 A. I was writing what was public record already.

21 Q. And you wrote that in this Internet
22 communication; correct?

23 A. I did.

24 Q. Alright. "She immediately agreed to, and did,

1 immediately hire a replacement counselor without missing
2 a beat in the continuing, effective handling of her
3 divorce via her new attorney. I also then immediately
4 informed and left my wife. [Maryann] and I eventually
5 lived together."

6 A. I don't think it says, [Maryann]. Does it? Does it
7 say M?

8 Q. Sorry, you're right.

9 A. Yes.

10 Q. "M and I eventually lived together and did so
11 very happily for the next two months. However, feeling
12 great guilt about the effects on my children that my
13 new, unexpected relationship, not a mere affair, was
14 having, I struggled and initially decided to attempt
15 marriage counseling with my then wife to show my
16 children that I was paying attention to their constantly
17 stated, as well as visible, emotional needs and was
18 giving reconciliation a try -- that I privately had extreme
19 doubts about in view of how I felt about M." Did you
20 write all of that?

21 A. I believe I did.

22 Q. And as a matter of fact, sir, you end up blaming
23 all of the people for all of your problems in the
24 ensuing paragraph; don't you?

1 A. That's your argument. I explained what happened.

2 **Q. Let's read it.**

3 A. Where is the claim? Who am I blaming?

4 **Q. Well, let's see. We'll continue.**

5 A. Tell me who.

6 **Q. "But that reconciliation devastated M, and in**
7 **private me. And, so, M, out of great hurt and**
8 **confusion, went against what she knew about what had**
9 **really happened and followed the advice of others by**
10 **claiming that I must have been unethical."**

11 **So, sir, you are claiming. You are saying that**
12 **she must've been --**

13 A. I am. I was claiming that others were saying I
14 was unethical.

15 **Q. ...following the advice of others.**

16 A. She was following the advice of others that I was
17 unethical.

18 **Q. "So, what would have been an inevitable,**
19 **permanent return to M became tremendously complicated by**
20 **two years of adverse publicity instigated be two young,**
21 **catty, underperforming attorneys employed by me."**

22 **Correct? So, what you're talking about --**

23 A. Instigated.

24 **Q. I'm going to -- what you're talking about -- that**

1 is, your years of hell that began, first by; "two
2 young, catty, underperforming attorneys employed by me,
3 who didn't hesitate to publicize my affair." Close
4 quote.

5 "For their own economic advantage as an
6 unsuccessful strategy to extract a financial settlement
7 from me while they proceeded to complete their already,
8 previously held plans to leave my law firm anyway to
9 establish their own partnership elsewhere." Did I read
10 that correctly?

11 A. Sounds like it.

12 Q. So, you're now blaming your unhappiness
13 that's ongoing because of the two, catty employees in
14 your employ?

15 A. That's not correct.

16 Q. Who were they?

17 A. McGarry and Holmes.

18 Q. Did you sue them?

19 A. They sued. We counter sued.

20 Q. And as a matter of fact, what happened in that
21 case?

22 A. There were cross-judgments.

23 Q. What happened? What happened to your claims?

24 A. My claims, well, my claims were based on law

1 practiced by Miss McGarry. And based on her
2 violation of privacy, I was awarded judgments as to
3 those claims.

4 **Q. What were the judgments that you were awarded?**

5 A. They were relatively small.

6 **Q. Such as?**

7 A. \$2,500.00. The claims relating to the
8 malpractice premiums that I had to pay were about
9 another seventy-five hundred.

10 **Q. And in violation of privacy, that was ongoing**
11 **between you and [Maryann]?**

12 A. They had disseminated that information.

13 **Q. So, you are familiar with what that word means,**
14 **disseminated? They had given the information.**

15 A. In their lawsuit, they had, yes, and apparently
16 otherwise.

17 **Q. And, so, you were blaming two young, catty,**
18 **underperforming attorneys.**

19 **And then the next sentence: "The voracious media**
20 **and highly media-conscious legal system, spear-headed by**
21 **those former associates and their attorney, and**
22 **eventually by the Maine Board of Bar of Overseers of the**
23 **Bar and certain unelected judges always concerned about**
24 **public perceptions concerning their alleged**

1 unwillingness to go after one of their own, went after
2 me to the ninth degree and more in a succession of court
3 proceedings involving the former associates fighting over
4 accounts, board proceedings, a distorted judicial
5 conduct finding pursued by a political opponent that, with
6 all due respect, was simply wrong and an entirely
7 one-sided, abusive divorce judgment."

8 So, sir, not only were you inaccurate with your
9 earlier answer that you weren't
10 blaming anyone.

11 But you are blaming two catty attorneys, the
12 media, the media conscious legal system, and their
13 attorney, the Maine Board of Overseers of the Bar,
14 certain unelected judges, a distorted Judicial Conduct
15 Finding pursued by a political opponent that was simply
16 wrong, and an entirely one-sided, abusive divorce
17 judgment.

18 You blamed all of those other entities, peoples
19 and findings?

20 A. I also blamed myself.

21

22 MR. MERRITT: Objection as to the form.

23

24 Q. No. Did I read that accurately?

1

2 MR. MERRITT: I have an objection as to the
3 form of these questions. I've allowed you to read these
4 things into evidence time after time.

5 MR. GLEASON: Yup.

6 MR. MERRITT: And I understand that you want
7 to get it into the record, but it's causing a great deal
8 of confusion for the whole line of questions.

9 The questions are very compounded and
10 convoluted, at the end of a very, long dictation.

11 MR. GLEASON: I shall be very quick then.

12

13 **Q. There's no mention of [Nancy Madore], is there?**

14 **When you were blaming everyone for your**
15 **unhappiness for your writing?**

16 A. There sort of is, unrevealed.

17 **Q. When did you mention her?**

18 A. I didn't name her specifically by name. 'The
19 advice of others.'

20 **Q. Where is 'the advice of others'?**

21 A. You read it to me a while ago.

22

23 MR. GLEASON: Can we have this marked as

24 six?

1

2 (E-mail string, eight pages, marked as
3 Exhibit No. 6 for identification.)

4

5 **Q. Sir, where does it say about others that you're**
6 **blaming or the indicators?**

7 A. I don't threaten anybody. You do. Alright? I
8 don't know. You were reading this. Maybe, if you show
9 me where you started on this thing.

10 **Q. That's correct. Starting right here. "However,**
11 **feeling great guilt about the effects of my children" --**
12 **to the end of the paragraph when you're blaming all**
13 **those different entities that I've read.**
14 **Is there some mention that Nancy Madore is**
15 **included among others?**

16 A. The seventh line down on page three of your
17 exhibit.

18 **Q. Yup?**

19 A. Reads, to refresh your memory, counselor --

20 **Q. Thanks.**

21 A. "Went against what she knew about what had really
22 happened and followed the advice of others by claiming
23 that I must have been unethical."

24 **Q. So, in the context of -- you're blaming [Maryann] for**

1 **what she's saying about you, and referring -- from**
2 **"others", you're referring to [Nancy Madore]?**

3 A. I wasn't really blaming her. I was referring to
4 others. Others would be, from what [Maryann] told me,
5 [Nancy Madore].

6 **Q. Okay?**

7 A. And, apparently, [Maryann's] successor attorney or
8 attorneys.

9 **Q. Okay. And, sir, but specifically what you**
10 **elected to do in this writing from 2010, the fall,**
11 **November, of 2010, is you were blaming, specifically, all**
12 **of the individuals that I annunciated.**

13 **But, quite specifically, two catty attorneys that**
14 **you know. You identify former associates and their**
15 **attorneys, and eventually the Maine Board of Overseers**
16 **of the Bar and certain unelected judges. All of them.**

17 A. I was expressing my situation. But I think I
18 made it clear in that communication that I rendered
19 responsibility myself.

20 **Q. And a lot of other people were to blame. And,**
21 **nowhere is there any reference, specifically, to**
22 **anybody who could be identified as Nancy Madore?**

23 A. I didn't name her personally, but that was
24 included in what I just referring to. I was

1 specifically thinking of her when I wrote that.

2 **Q. Okay. So, when you went on about the other two**
3 **attorneys, blaming them for your unhappiness as with**
4 **anyone --**

5 A. Are you testifying?

6 **Q. I'm asking you by reading.**

7 A. Do you want me to cause you to conclude that
8 question?

9 **Q. I don't know. This is not the same thing. Okay.**

10 A. Alright. Is there some particular provision of
11 this document?

12 **Q. We're going to get right to it, sir.**

13 A. Go ahead.

14 **Q. You're on the right page. Final paragraph [Reading]:**
15 **"Second, for the person who suggested that attorneys**
16 **employed by me were mistreated by me and that court**
17 **personnel and employees were similarly mistreated, stop**
18 **surmising and start knowing the facts. As with any**
19 **unemployment situation anywhere, there were some**
20 **underperforming employees, attorneys, who left because**
21 **they simply didn't carry their weight or had simply used**
22 **their entry-level positions as an opportunity to gain**
23 **experience and a stepping stop to more promising**
24 **positions elsewhere." Did I read that correctly?**

1 A. So far. Do you want to keep reading: "Most left
2 on amicable terms."

3 **Q. Most left?**

4 A. Does it sound like disparaging?

5 **Q. What one left on amicable terms? What**
6 **terms? Who left?**

7 A. By name, I don't know that. I don't recall every
8 one of them.

9 **Q. Who were they?**

10 A. McGarry and Holmes.

11 **Q. McGarry and Holmes left on very unpleasant**
12 **circumstances; didn't they?**

13 A. They did, yes.

14 **Q. Is there any other lawyer? You've revealed one:**
15 **[Rusty Hammer]?**

16 A. It appears at the time --

17 **Q. Oh, you did?**

18 A. At the time it --

19 **Q. Are you involved with --**

20 A. [Rusty Hammer], aside from [Nancy Madore].

21 **Q. And have you filed disciplinary -- or have you**
22 **filed Complaints with the Bar of Overseers with**
23 **regards --**

24 A. [Rusty Hammer] has made that public knowledge.

1 **Q. No. No. I'm asking you a question, sir.**

2 **Have you filed complaints against [Rusty Hammer]?**

3 A. I have filed a Grievance against him.

4 **Q. Okay. With who?**

5 A. The Maine Board of Overseers of the Bar.

6 **Q. In the last ten years, have you filed any other**
7 **grievances against any other attorney other than**
8 **[Rusty Hammer]?**

9 A. There were grievances concerning Attorney McGarry
10 after she left, and a couple of them related to the
11 malpractice stuff.

12 **Q. I'm asking for names.**

13 A. I think there might've been something filed
14 against Holmes. McGarry was the real focus of things.

15 **Q. Um-hmm.**

16 A. Other than that, I don't recall. Several years
17 ago.

18 **Q. Sir, who? What other attorneys left your**
19 **employment in the last ten years?**

20 **Sir, what other attorneys left your employment,**
21 **without even identifying them as amicable, other than**
22 **McGarry, and [Rusty Hammer], and Holmes?**

23 A. Frances Lindermann, Charlie --

24 **Q. Okay. Frances -- and did she leave amicably?**

1 A. No, [Maryann] hated her. [Maryann] wanted her out.

2 [Maryann] wanted her fired.

3 **Q. It was [Maryann]'s fault?**

4 A. No, I'm not saying that.

5 **Q. And she was very unhappy; correct?**

6 A. It was. She was. [Maryann] left -- from what I
7 was told, I wasn't there -- From what I was told, she was
8 very obnoxious and yelling and screaming and swearing.

9 According to one of my staff members, she was
10 fired.

11 **Q. Any other attorney leave your office in the last**
12 **ten years?**

13 A. Oh, there were several.

14 **Q. Who are they?**

15 A. I -- well, I won't even be able to remember all
16 of them, but.

17 **Q. So, as we sit here today --**

18 A. My firm.

19 **Q. As we sit here today, you've represented in this**
20 **letter, and you're attempting to represent in your**
21 **answers, that there was an amicable parting**
22 **of the ways with attorneys in your employ?**

23 A. Mostly, yes.

24 **Q. Most of them?**

1 A. Yes.

2 **Q. And in the last ten years, the only names that we**
3 **can come up with are people who are fired, sued by you,**
4 **reported you to the Board of Bar of Overseers in Maine.**
5 **And we can't come up with one amicable party. Is that**
6 **fair?**

7 A. That's not true -- lots of amicable parties.

8 **Q. In the last ten years, name one.**

9 A. Tim Deitz, Ian Brown, Susan Packman.

10 **Q. When did Tim Deitz leave your office?**

11 A. Tim left in about August of 2008, I believe.

12 **Q. How long did he work for you?**

13 A. Oh, two, two-and-a-half years. We're still very
14 close. Brendan Penny. I know Ian Brown, Susan Packman.

15 **Q. And these are all attorneys employed by you?**

16 A. By my various law firms, yes. Bonnie Langile.

17 There were a lot. And it's -- I'm trying to remember
18 all of the attorneys who worked for me through the years
19 or for my firm. But the vast majority of them left on
20 amicable terms.

21 **Q. Whose Charlie Navel?**

22 A. Charlie Navel was a client of Amy McGarry's.

23 **Q. Did he make a comment about you?**

24 A. I believe, in the blog that you're referring to,

1 that, my e-mail or whatever response.

2 **Q. The document that's been marked as Exhibit number**
3 **Six is, in fact, a blog; correct?**

4 A. Well, it's a response to some blog that someone
5 created. Yes.

6 **Q. As a matter of fact, you, yourself, wrote; "That**
7 **I am far from perfect. Evidently Naran, Neville and the**
8 **other commentators on your blog are far superior**
9 **persons who have no embarrassing dark secrets. I've**
10 **been through hell, in the end, most importantly, extreme**
11 **heartaches that may indeed have been poetic justice**
12 **meted to me." Who did you have extreme heartaches from?**

13 A. Well, [Maryann] was the focus of it all. I mean, she
14 was the real source of that, but it was greatly
15 exacerbated by the breeches of trust that I had, frankly
16 in Nancy and to a large degree in [Rusty Hammer]. And
17 these were things I learned after the fact.

18 **Q. I'm going back now to what has been marked as**
19 **Exhibit 4, which is the letter to [Maryann's Surgeon]**
20 **from you.**

21 **And again, from page two of that letter, the**
22 **second, or the next to last, or the last full paragraph**
23 **from the bottom, it references dates.**

24 **"I ended my professional relationship with [Maryann]**

1 by verbal agreement with her on Friday afternoon, on
2 June 20, 2003."

3 Does that refresh your memory about the date that
4 you ended your relationship with [Maryann] -- the legal
5 relationship, and began your --

6 A. It doesn't refresh my memory. I testified. I
7 already testified to that date. That was my
8 recollection.

9 Q. Okay. You had the specific date?

10 A. We always remembered that date.

11 Q. And, okay. [Reading] "And immediately gave her a referral
12 to outside, successor counselor, to take over and finish
13 her divorce case. Several days prior to doing so, I had
14 unwittingly obtained a court order for [Maryann], requiring
15 [her Ex] to vacate the marital home by July 5th, 2003, at
16 [Maryann]'s insistence."

17 Does that now refresh your memory that, in fact,
18 you already had gone to court several days before June
19 the 20th and gotten the court order?

20 A. It doesn't refresh my memory, counselor, and I
21 don't think I represented anything to the contrary.
22 Your earlier question related to when I filed the
23 motion to start that process, and that was not just days
24 before she and I began the affair. That was before, as

1 I testified to, maybe a month or longer before all of
2 that.

3 **Q. So, several days before, you obtained a court**
4 **order requiring [Ex-husband] to vacate the marital home;**
5 **correct?**

6 A. Pursuant to a motion that had been filed a month
7 or more before.

8 **Q. Right. And, so, several days before your**
9 **relationship began with [Maryann], you had, in effect, gotten**
10 **him removed from the home; correct?**

11 A. He agreed to leaving, yes.

12 **Q. [Reading] "Little did I know that, by that date, July the**
13 **5th, I would have been caused by [Maryann] to separate from**
14 **my beautiful wife of twenty-two years and three adoring**
15 **children, and to be invited by [Maryann] to move in with her**
16 **and her two children. As then I did." [Maryann] caused you**
17 **to separate from your wife?**

18 A. My feelings for [Maryann] did, yes.

19 **Q. Well, you're not -- you seem to be blaming [Maryann].**
20 **"I would have been caused by [Maryann] to separate from my**
21 **beautiful wife and three adoring children."**

22 A. Well, what was meant to be said: 'I was caused by
23 my feelings for her and her reaction towards me to do
24 that,' yes.

1 Q. [Reading] "In any event, within minutes after terminating
2 my professional relationship with [Maryann] and referring
3 [Maryann] to outside counselor on June the 20th 2003, she had
4 stood up, walked around my office desk, leaned over as
5 I sat, placed her hand on my cheek, passionately kissed
6 me, and all sexual hell broke loose."

7 A. Okay.

8 Q. Alright. Now, sir, these are all matters that
9 you are providing to -- as of the date of this letter --
10 to an unwitting [Surgeon], who has no idea who in
11 the world you are.

12 A. They were also the subject of very public meetings.
13 So, it was all subject to the public, counselor.

14 Q. That there had been a side of the story by [Maryann]
15 that you had engaged in a sexual affair with her,
16 leaving your wife and children as a practicing judge in
17 the area; correct?

18 A. Well, not as a practicing judge. That was one of
19 the things I did.

20 Q. Right.

21 A. I did it as a human being. And I happened to be
22 an attorney as well and a judge.

23 Q. [Reading] "As I now realized, [Maryann], who had reportedly
24 been an almost daily visitor to my office searching for me

1 when I was usually in court, had purposely figured out --
2 by 5:00 o'clock p.m. So, she scheduled a late afternoon
3 appointment to enable herself to be present shortly
4 before the staff left, thereby giving her presence in my
5 office the appearance of legitimacy. She talked about
6 legal stuff until staff departed for the weekend,
7 whereupon, as stated the above, the purpose of her
8 office visit very rapidly changed."

9 Sir, in that entire paragraph, you're blaming
10 [Maryann]; aren't you?

11 A. I am blaming both of us, and I think I took a
12 great deal of responsibility for what had happened.

13 Q. Okay.

14 A. She's a big girl, too, counselor.

15 Q. Yes. Right. "During my relationship with [Maryann],
16 she induced me to buy her a diamond ring and to become
17 engaged." She even induced you to buy her a diamond
18 ring?

19 A. Yes.

20 Q. Okay. How did she do it? What did she do?

21 A. She asked me: Where is this all going?

22 Q. So, literally, from July 5th, 2003 to the
23 second week of August 2003, she was pressing you to
24 marry her?

1 A. Sooner than that. You weren't -- we -- well,
2 obviously, the divorce was going to be filed. In fact,
3 I filed it very quickly.

4 **Q. Right. Because you wanted to divorce your wife.**

5 A. I did. And [Maryann] had asked me, geez, just days
6 after she came back from Pennsylvania -- she was gone
7 for a couple of weeks after June 20th and came back --
8 and when we were traveling in a car from
9 Portsmouth one night very early on, and she asked these
10 questions. And she said: Well, I want a ring.

11 **Q. [Reading] "In any event, by the second week of August, 2003**
12 **while continuing to live with [Maryann], I came to realize**
13 **that things were not as rosy as they seemed and that**
14 **[Maryann] had been dishonest with me about things she had**
15 **told me when I was her attorney."**

16 A. Okay.

17 **Q. You were referencing, in this letter; weren't**
18 **you, as to communications that she had given you when**
19 **she was your attorney -- excuse me, when you were her**
20 **attorney?**

21 A. I'm referencing -- whether I followed that, that
22 what you had.

23 **Q. Okay? [Reading] "I also did not understand why she had**
24 **worn a birth control patch on her abdomen on June the**

1 20th, 2003."

2 A. Well, you didn't answer. You didn't say what
3 followed the comment about --

4 **Q. I am, I'm reading.**

5 A. I --

6 **Q. Why she had worn a birth control patch on her on**
7 **abdomen on June 20th, 2003. [Resuming Reading]:**
8 **"..but never again thereafter, upon learning that**
9 **I'd had a vasectomy, inasmuch as she had previously**
10 **volunteered during one of our earliest office**
11 **consultations that due to her alleged hatred of [Ex] she**
12 **had not had sexual relations for almost a year."**

13 A. Okay.

14 **Q. So, indeed, in one of the earliest consultations**
15 **you had had with her when you were representing her as**
16 **an attorney, she told you of her hatred of [Ex];**
17 **correct?**

18 A. Yes.

19 **Q. Okay. So, in fact, your earlier answers that**
20 **these matters weren't discussed in that period of time,**
21 **in fact, you had been discussing with her the fact that**
22 **she was hating [her Ex]; correct? Number one; correct?**

23 A. I never denied that. Your question was --

24 **Q. The record will tell.**

1 A. Counselor, your question from earlier, from what I
2 recall, was something along the line of her telling me
3 about, torrid or whatever sexual relations she had with
4 [Ex-husband].

5 And, that, I don't recall from the time that I
6 was her attorney. These are things that she related to
7 me during a subsequent non-attorney time; not attorney
8 client time.

9 But the other thing is, that, again, what you
10 don't seem to understand is all of that stuff was within
11 [Maryann]'s possession and within the knowledge of Bar
12 Counsel in some way, shape or form.

13 Well, prior to and during the course of and
14 within the context of the case, we were dealing with --
15 well, prior to its dismissal by The Board -- your
16 client, trying to resurrect all of this stuff and your
17 efforts to try to say --

18 **Q. Sir, we don't need a speech. Here's my next**
19 **question.**

20 **Sir, earlier I had asked you about that, "she had**
21 **told me many things about her relationship with [Ex],**
22 **and about her being in an unhappy marriage, as well as**
23 **very, graphic, sexual information concerning her**
24 **experiences with and unhappiness about [Ex], all of**

1 **which I later learned were untrue."**

2 **Isn't it true, that earlier in this deposition,**
3 **specifically, you talked about that. You denied that**
4 **that occurred during the consultations that you had with**
5 **her during the time that you were representing her?**

6 **A. Yes, I don't recall anything that was graphic.**
7 **That part I don't recall.**

8 **Q. But, also, not only did you disclose prior**
9 **information from; "during one of our earliest**
10 **consultations" about her alleged hatred of [Ex], but**
11 **that "she had not had sexual relations for almost a year."**
12 **So she told you in one of her earliest**
13 **consultations that she had not had sexual relations in a**
14 **year.**

15 **A. Evidently, that's what she had alleged, yes.**

16 **Q. So, that communication to you in the context of**
17 **when you were her attorney, you disclosed to [Maryann's**
18 **Surgeon] -- that she told you she hadn't had sex for a**
19 **year.**

20 **A. It was in the context of her credibility, and that**
21 **was all to her.**

22 **Q. And if she had come to you while that was**
23 **pending -- just, sir, just answer the question.**

24 **A. I probably would have said: You should, if you**

1 think that's a Bar violation because this is your time.

2 Otherwise, it's dead.

3 **Q. Sir, what you did is; you disclosed specifically**
4 **in that sentence, you admit that you disclosed two**
5 **communications that she had given to you in her earliest**
6 **consultations when you were representing her as an**
7 **attorney; correct?**

8 A. It appears. Based on what you've read, yes.

9 **Q. Now, she told you -- she's telling you that she**
10 **had not had sexual relations for almost a year strike**
11 **that - "threats of a Bar complaint, if I did not return**
12 **to [Maryann], followed by" -- I don't want to read anymore.**
13 **Do you recognize that?**

14 A. Yes.

15 **Q. Do you recognize that document?**

16 A. I do.

17 **Q. What do you recognize it to be?**

18 A. It's a letter that I prepared and sent to this
19 person named Bill with whom [Maryann] was involved with in
20 early 2008.

21 **Q. Do you recognize the document?**

22 A. I do.

23 **Q. What do you recognize it to be?**

24 A. As I began stating, it's a letter that I prepared

1 to a person named Doctor Bill, that [Maryann] had told me she
2 was involved with in early 2008 -- involved and living
3 with. Bill had been communicating to me via [Maryann]'s
4 e-mail during that time.

5 And sometimes the indication was that they were
6 on the computer together jointly communicating.

7 **Q. So, are you saying, under oath, sir, that Bill**
8 **was communicating with you?**

9 A. Unless [Maryann] was using his name and sending
10 communications where she would say things to the effect:
11 This is Bill. I've been reading your communications
12 with [Maryann] and her responses to you. And here's what I
13 think. Something along those lines.

14 Yes, I mean, he specifically communicated, and he
15 ultimately, personally, [Maryann] gave him my cell number.

16 **Q. How many times did Bill communicate with you?**

17 A. The indication was that [Maryann] had given him her
18 access to her e-mail account, and he was communicating.
19 She subsequently told me that she had done that, and she
20 told me that he even got to the point of taking her cell
21 phone away from her.

22 That, in her view, he was allegedly controlling.

23 And I received a phone message from him on my
24 voicemail one day.

1 **Q. Telling you what?**

2 A. It was a very brief thing.

3 **Q. It said, something, something along the lines of:**

4 **I don't know who the hell you are.**

5 A. No, that's not what he said. He said [Maryann] had
6 just come down to see me in Wells.

7 **Q. So, this Bill that you sent this letter to is**
8 **the person that you sent this to -- is the**
9 **person that she was going out with. Is that what you're**
10 **saying?**

11 A. That was my understanding, yes.

12 **Q. Okay. And what you did was --**

13 A. It was attached, I believe, to an e-mail to him
14 at her address because that's the address that he was
15 using at her e-mail address.

16 **Q. Exactly. That's what you wrote in an e-mail to**
17 **her; didn't you? Does this document look familiar,**
18 **other than the fact it was forwarded to me?**

19 A. Again, all of this is irrelevant to your client's
20 case. But I'll look at it. And we have this ongoing
21 objection. This is dated April 5th, 2000 -- no, that's
22 not right.

23 **Q. Read below.**

24 A. March 20th, 2008.

1 Q. March 20th, 2008?

2 A. Okay.

3 Q. That's the e-mail that you sent to her; isn't it?
4 That you're describing.

5 A. Well, it's an e-mail that I sent to Bill at
6 [Maryann]'s e-mail address.

7 Q. Okay. Right?

8 A. Because Bill was the one --

9 Q. Because what you wanted to do is, you wanted to
10 put -- sir, you didn't even know who Bill was; did you?

11 A. I knew.

12 Q. You did an investigation to find out who this
13 Bill was; didn't you?

14 A. [Maryann] told me that he was a doctor.

15 Q. Did you instruct [Ex's Wife]? Did you instruct
16 [Ex's Wife]? Did you help her and assist her in
17 concocting a story to use information that you were
18 providing to her about the ongoing, domestic custody
19 battle between [Ex-husband] and [Maryann] and involving Bill;
20 and concocted a story about how she found out about Bill? And
21 you didn't know anything about him.

22 A. She, meaning, [Maryann's Ex-husband's Wife]?

23 Q. How she found out about Bill?

24 A. I'm not sure.

1 **Q.** I'm going to ask you specifically. Sir, did you
2 come up -- did you instruct [Ex's Wife] on how to create a
3 story to make it appear that they were possessing and
4 coming up with the information, specifically with regards to
5 Bill, by themselves, in order to protect that information
6 from coming forward? That, it was actually coming from
7 you?

8 A. I don't recall anything like that, but what I do
9 know --

10 **Q.** You don't?

11 A. Contrary -- to the best of my knowledge, there was
12 no ongoing custody battle between [Maryann] and [her Ex].
13 To the best of my knowledge, the last time [Maryann]
14 was involved in any custody proceedings with [Ex], was
15 back in late 2006, maybe early 2007. I paid for an
16 attorney in that particular proceeding.
17 And I'm not sure if she sued him or he sued her.
18 It might have been over child support or whatever, but I
19 paid for an attorney to represent her.

20 **Q.** But that was after you got back together with
21 her?

22 A. We got back together in late June, early July,
23 late 2005. And it was well before we separated in July
24 of 2007, so, yes.

1 **Q. And, so, sir, my question though: Isn't it true**
2 **that you were having regular, ongoing discussions and**
3 **exchanges of e-mails with [Ex's Wife] relative to who's**
4 **Bill, and how can we figure out who this guy is?**

5 A. Yes, we would. There were some communications
6 going on wondering who Bill was.

7 **Q. Between you and -- between you and [Ex's Wife];**
8 **correct?**

9 A. Yes.

10 **Q. Yes? Is the answer, yes; correct?**

11 A. There was some of that. I recall that.

12 **Q. And, as a matter of fact, that you were**
13 **disclosing to [Ex's Wife] that you weren't sure who**
14 **this guy was?**

15 A. That's what I told her. Other than that --
16 counselor, can I finish answering?

17 **Q. No. You're saying --**

18 A. And, also, you asked me if I didn't know who he
19 was. I told you [Maryann] said he was a doctor. A doctor.
20 That's what she told me, and that she was --

21 **Q. When did she have this conversation with you?**

22 A. Both before and after we got back together again
23 in January of 2008.

24 **Q. And she was going to go live with Bill. So, you**

1 **needed to find out who Bill was.**

2 A. Well, there were concerns about what the children
3 were being exposed to, yes.

4 **Q. Concerns by whom?**

5 A. Me, and, apparently, [Maryann's Ex-husband and his wife].

6 **Q. Her being with a doctor. And what was your**
7 **understanding of where this doctor worked?**

8 A. [Maryann] had represented that he worked in a
9 hospital.

10 **Q. You didn't go looking for him in a directory?**

11 A. I believe she said that he worked in Maine Medical
12 Center, but I'm not sure.

13 **Q. Did you conduct an investigation of doctors with**
14 **the name of Bill in hospitals in Maine?**

15 A. Again, this isn't relevant, but I did.

16 **Q. You did; didn't you?**

17 A. To try to determine who Bill was, and I understand
18 that [Ex-husband and/or his wife] were trying to
19 determine also.

20 Because, according to them, they didn't know
21 where their children were, or [Ex] didn't know where his
22 children were.

23 **Q. Sir, talk to me about the letter to Bill.**

24 A. What do you want to know about it?

1 Q. Well, sir, what's it --

2 A. It's a lengthy letter.

3 Q. Are you talking about [Maryann] in a flattering way?

4 A. Probably not. As a general, no.

5 Q. As a general rule, because whenever you write --

6 So, [Maryann]'s taking up life with a new person, and you are
7 sending a twenty-five page e-mail obliterating her to
8 elude to somebody by the name of Bill; isn't that true?

9 A. The letter speaks for itself.

10 Q. Right. And, in fact, for purposes -- rather than
11 going through the whole thing; isn't it true that the
12 purpose behind the twenty-five pages of this document to
13 somebody that you only know as Bill, is to rip the
14 living shreds out of [Maryann]? Isn't that true?

15 A. No. It was eventually to --

16 Q. So, your answer is; that this letter does not rip
17 the living shreds out of [Maryann]?

18 A. Your question was: Wasn't that my purpose? And,
19 no, that wasn't my purpose. My purpose --

20 Q. So, it was to help the children?

21 A. My purpose was -- well, in part, but my purpose
22 also was to respond to [Maryann]'s ripping the shreds out of
23 me in connection with what she had told this doctor that
24 he had been e-mailing to me, using her e-mail.

1 **Q. You have those e-mails?**

2 A. I don't think I have them anymore, but that's
3 what he was doing.

4 **Q. So, you destroyed those e-mails?**

5 A. I didn't destroy them. You know, the Yahoo
6 account that I had, it changed every so many times.

7 **Q. So, he didn't write to you saying: I don't know**
8 **who you are. Who are you? Did Bill ever respond going:**
9 **Who are you?**

10 A. No. He said -- what he did was, he responded back.
11 He responded initially. When e-mailed, he responded
12 back. This is Bill. I am the guy that [Maryann] is with.
13 And then he went on, things about what she had told him,
14 or allegedly about me that were ripping me to shreds.
15 And he was communicating that kind of
16 information.

17 **Q. So your position is, that [Maryann] is living with a**
18 **guy named Bill, and you and him are e-mailing back and**
19 **forth while she's living with Bill. And he's using her**
20 **e-mail address to do that?**

21 A. Yes.

22 **Q. And he's e-mailing with you, and you're just**
23 **having discussions about [Maryann] saying this. So, he's**
24 **alone throwing [Maryann] under the bus?**

1 A. No, he wasn't doing that. He was defending her
2 more or less and attacking me.

3 **Q. So, what you decided is to -- you keep responding to**
4 **these e-mails?**

5 A. I was responding, yes.

6 **Q. As a matter of fact, what you decided to do is,**
7 **to send a 25-page document where you decide that the guy**
8 **who [Maryann] took off with, you'd better set him straight on**
9 **the person [Maryann] is.**

10 A. I was relating to him factual information and my
11 opinions, just as he had been relating to me her
12 opinions and his opinions in turn. Yes, that's what I
13 was doing.

14 **Q. Okay. And you didn't keep any of those e-mails;**
15 **did you?**

16 A. I don't believe. No. I think the computer
17 basically just -- I can't --

18 **Q. Your computer went on the fritz, and you --**

19 A. No. No, counselor. It's not that. It has a
20 level of -- it has to do with the space, and then the
21 computer purges old stuff. It just does that.

22 **Q. So, the reason that you decided to write a**
23 **25-page e-mail ripping [Maryann] to her new**
24 **boyfriend, was because you just wanted to set things**

1 **straight. Is that what it was?**

2 A. That was one of the reasons.

3 **Q. Okay. And what were the other reasons?**

4 A. Concern for the children and --

5 **Q. You were concerned for the children?**

6 A. And for what it's worth, concerned for him and --
7 she's got a pattern.

8 **Q. And you're also going to add her to this lawsuit**
9 **because you're concerned about her children; right?**

10

11 MR. MERRITT: Objection.

12

13 A. Not, not at this time. In conspiracy with your
14 client, the damages and the -- of information, and
15 their joint invasion of privacy, conveying of property,
16 the financial damages, and professional damages that she
17 did.

18 **Q. It's been too much to even count the damages on**
19 **you. I know.**

20

21 (Letter to Bill, 25-pages, marked as Exhibit
22 No. 7 for identification.)

23

24 **Q. And that was kind of the search that was going on**

1 **between you and the wife of your former**
2 **client's ex-husband?**

3 A. Yes, they were trying to find out where the
4 children were to make sure that they were okay. This
5 was way past any legal representation.

6 I frankly felt that I had a duty with respect to
7 that also, so.

8 **Q. So, you were doing it because of your**
9 **professional duty?**

10 A. No. Actually, a duty to the children, too.
11 Because I've, you know, I was seeing things from [Maryann],
12 historically.

13 And on an ongoing basis with shacking up with this
14 guy Bill, indicating to me that there were some real
15 problems and need for direction. Just, like, she
16 subsequently made a loan before that. It's just been a
17 succession of things.

18 **Q. So, you want to take care of her children?**

19 A. No.

20 **Q. After this --**

21 A. No, again, counselor, you're distorting things.
22 I haven't seen those kids in four years. More than four
23 years. And, well, not quite more than four years, but
24 because I did see them in the fall of 2008, when they

1 were with [Maryann], and [Maryann] and I met at some book
2 store in Portsmouth, briefly.

3

4 (Off the record at 5:05 p.m.)

5 (Back on the record at 5:13 p.m.)

6

7 MR. GLEASON: Okay. I have no more
8 questions. If you have further questions.

9 MR. MERRITT: In the interest of time,
10 Scott, I'd like to just reserve my right to submit a
11 response of affidavit. And I don't have time to go into
12 cross at five, quarter-past-five --

13 MR. GLEASON: That's fine.

14 MR. MERRITT: -- to cross-examine, but I will
15 be happy to do an affidavit.

16 MR. GLEASON: I have no problem, nope.
17 That's fine. Okay.

18

19 (Deposition concluded at 5:15 p.m.)

20

21

22

23

24

1 I, ANNMARIE PEREIRA, a Notary Public in and for
2 the Commonwealth of Massachusetts, do hereby certify
3 that ROBERT NADEAU came before me on the 15th day of
4 June, 2011 in Haverhill, Massachusetts, and was by me
5 duly sworn to testify to the truth and nothing but the
6 truth as to his knowledge touching and concerning the
7 matters in controversy in this cause; that he was
8 thereupon examined upon his oath and said examination
9 to writing by me; and that the statement is a
10 true record of the testimony given by the witness, to
11 the best of my knowledge and ability.

12 I further certify that I am not a relative
13 or employee of counsel/attorney for any of the parties,
14 nor a relative or employee of such parties, nor am I
15 financially interested in the outcome of the action.

16 WITNESS MY HAND this 12th day
17 of July, 2011.

18

19 _____

20 Annmarie Pereira, CSR

21 My commission expires:

22 July 22, 2016.

23

24

1 Today's date: July 12, 2011
2 To: Atty. Scott Gleason
3 Copied to: Atty. Steven Merritt
4 From: Annmarie Pereira
5 Deposition of: ROBERT M.A. NADEAU
6 Taken: June 15, 2011
7 Action: Nadeau VS. Madore Pratt

8

9 Enclosed is a copy of the deposition of
10 Robert Nadeau. Pursuant to the Rules of Civil
11 Procedure, Mr. Nadeau has thirty days to sign the
12 deposition from today's date.

13 Please have him sign the enclosed
14 signature page. If there are any errors, please
15 have him mark the page, line and error on the
16 enclosed correction sheet. He should not mark
17 the transcript itself. This addendum should be
18 forwarded to all interested parties.

19 Thank you for your cooperation in this
20 matter.

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1 COMMONWEALTH OF MASSACHUSETTS
2 ESSEX, SS. SUPERIOR COURT
3 DOCKET NO. ESCV2010-00636B
4

5 *****

6 ROBERT M.A. NADEAU,
7 PLAINTIFF

8 VS.

9 [NANCY MADORE],
10 DEFENDANT

11 *****

12
13 I, ROBERT M.A. NADEAU, do hereby certify,
14 under the pains and penalties of perjury, that
15 the foregoing testimony is true and accurate, to
16 the best of my knowledge and belief.

17
18 WITNESS MY HAND, this _____ day of
19 _____, 2011.

20
21 _____
22 ROBERT NADEAU, DEPONENT

23
24

1 ERRATA SHEET

2 PAGE/LINE/ERROR

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