

STATE OF MAINE
YORK, ss.

DISTRICT COURT
YORK
DOCKET NO: PA-13-185

ROBERT M.A. NADEAU,
Plaintiff

v.

[MARYANN],
Defendant

ORDER

The matter came on for hearing on April 13, 2015 and concluded on April 14, 2015. Both parties were present. The plaintiff represented himself. The defendant was represented by Attorney Tyler Smith. The Court has reviewed and considered the exhibits, the testimony of the witnesses and the applicable law. The Court finds and orders as follows:

The plaintiff alleges that the defendant engaged in "literary" and "youtube" harassment of him. The complaint refers to a book titled *The Ethics of Judge Nadeau*. The book and some of the advertisements for the book make clear that, although the plaintiff was not sanctioned by the Board of Overseers of the Bar (or by the Committee on Judicial Responsibility and Disability), the author(s) assert that his conduct should be unethical.

FINDINGS OF FACT

The parties were engaged in a high conflict relationship from 2003 through the publication of the book in 2013. The parties' involvement with each other was, at times, significant. For portions of this, they had only minimal contact, much of which was through the legal system. The parties were each involved in coarse e-mail exchanges with people. Each of them have credibility issues as a result.

The plaintiff produced numerous exhibits in support of his position.¹ In plaintiff's exhibit #11, he refers to an exchange purported to be between the author(s), on page 341 of the book in question. The Court concludes that the plaintiff's interpretation of that section does not bear weight. The book relates an alleged conversation between the defendant and the other purported author of the book. The recklessness referred to can equally be considered that of provoking a lawsuit from a sitting judge, even when the two of them felt they were well within their rights. Several sentences prior to the section on page 341, to be found on page 340, make abundantly clear that the author(s) felt that the

¹ The plaintiff attempted to submit a number of screen shots of Google search results to show that the book and videos were available and being viewed. The Court did not admit those exhibits. However, the defendant's testimony included that information and was considered by the Court.

judicial system and its various oversight bodies protect the plaintiff or are corrupt in their "protection" of the plaintiff. The book makes it clear that the authors' original intention was to tell the truth as they saw it.

The plaintiff testified that the defendant could access numerous public sources that showed that her allegations were untrue. The plaintiff invites the Court to use that to conclude that the real motivation here was to instill fear and intimidation in him. However, plaintiff's exhibit #6 shows the defendant recognizing and explicitly stating that the Maine Board of Bar Overseers found his conduct was not unethical. The author(s) disagreed with the Board of Overseers opinion. The Court concludes that they have a right to such disagreement.

The plaintiff also submitted defendant's exhibit 417. The exhibit is an e-mail string that supports the defendant's testimony that she did not read the book. (But parts of the book were allegedly read to her by Ms. Madore.) Nancy Madore authored and marketed the book. The defendant had a hand in the creation of the book by providing Nancy Madore with some of the material. How much of what she provided eventually made it into the book was a matter hotly disputed by both the defendant and Ms. Madore in defendant's exhibit #17. The defendant had agreed to the online publication, but then told Ms. Madore to pull the book offline. Ms. Madore did not cooperate.

Part of the plaintiff's harassment complaint is that the defendant gained unauthorized access to his medical records and distributed that information in violation of a previous Court order. The evidence rebuts that she gained unauthorized access to his medical records. The plaintiff's medical records were produced by the plaintiff in a previous protection action involving the parties. She gained access to them through that process.

The plaintiff also submitted exhibit #10 and #11. Both those exhibits covered substantial parts of the book. As such, they were admitted into evidence. The plaintiff directed the Court's attention to pages 134 through 137. These pages purport to detail a sexual encounter by the defendant with another man, while she was living with the plaintiff. The use of that information appears to be motivated by the plaintiff's preoccupation with the defendant's sexual activities, separate from the protection from harassment allegations. The Court does not find the plaintiff's testimony and argument regarding that information to be credible. The Court notes that many portions of his testimony suffer from his lack of credibility. Many portions of the plaintiff's evidence consist of his disagreeing with statements he says are untrue.

On page 158 of plaintiff's exhibits #10, the author(s) assert that the psychological evaluation for Judge Robert Nadeau showed that he was a narcissist and a sociopath. The book alleges that the plaintiff's medical records were two inches thick. The plaintiff said that statement was untrue. He submitted plaintiff's exhibit #34, which he maintains were the same medical records that were submitted in the previous protection case. Those records were less than one-quarter inch thick. (The Court, by agreement of the parties, hereby seals plaintiff's exhibit #34, which shall be held in a confidential envelope.)

Neither party was able to produce the original exhibit for the Court's comparison. The parties believe that those records have not been made part of the Court's file in the previous protection action, YOR-PA-07-119.

The plaintiff's credibility suffered from a number of his assertions. For example, the plaintiff went so far as to assert that the statement on page 158 of the book that defendant had only received a protection order against him for three days in order to move out of his home was untrue. The plaintiff cited that as an example of her harassment. He asserted she had two weeks to move, not the three days. The Court finds that is not credibly harassment.

The Court finds that the numerous statements in the publication that the author(s) found the plaintiff to be unscrupulous are all tempered by the fact that the Courts and the Board of Overseers have not agreed with their conclusion. The author(s) attribute the conclusions of those various bodies to them being unscrupulous.

This case boils down to a dispute about what did or did not happen in a long and volatile relationship. The Court finds that each party has their credibility issues, but that the defendant was significantly more credible than the plaintiff. The Court finds the defendant was very credible that there was no intention of causing fear, intimidation or damage to personal property. She asserted quite credibly that her original goal was to reveal what she feels is the truth about the plaintiff's conduct. She was intending to expose what she considered to be an ineffective judicial system and a corrupt, mentally unbalanced attorney/judge. (The Court notes that no independent organization or authority has agreed with her.) The defendant is not compelled to agree with the various courts and disciplinary bodies who weighed in on the issues involving the parties and the other individuals connected with them.

The defendant also testified credibly that she wanted the book to be pulled from publication, along with the youtube videos, because she feared just the reaction that she got from the plaintiff. She credibly testified that she feared she would become embroiled in another legal matter. The course of this case and the presentation of evidence by the plaintiff demonstrated that her fear was well founded.

The plaintiff offered defendant's exhibit #18 as proof that she had been trying to extort money from him with a threat about the book. However, the exhibit clearly refers to a lawsuit. The evidence was unrebutted that the defendant and Nancy Madore conceived writing the book after the date defendant's exhibit #18 was sent to the plaintiff. The defendant produced a number of exhibits to support her belief that she had a legitimate lawsuit against him. Those exhibits predated the date of defendant's exhibit #18. The defendant offered the exhibit to establish the timing and basis of her belief. They were not admitted for the truth of the matters therein. The Court notes that those exhibits, if from the plaintiff as the defendant believed, show a disturbing obsession with defendant and her sexual relations.

Defendant's exhibit #1, is a subpoena *duces tecum* from the plaintiff to the defendant, in an attorney's fees and defamation lawsuit by the plaintiff against [Nancy Madore] back in 2010 and 2011 in Massachusetts. Paragraphs #15 and #16 of that exhibit required [Maryann] (who was not a party to that other action) to produce any and all communications concerning any person with whom she had any form of romantic or sexual contact or relationship, **other than the plaintiff** at any time from July 2005 through May 2008, either issued by her to another person or by that person to her. [Emphasis added.] (The Court notes that from July 2005 through July 2007 was when these parties were most heavily involved in their romantic relationship. The relationship had been briefly reignited early in 2008 before finally being ended.) No credible evidence was produced by the plaintiff to explain how that was anything other than his harassing [Maryann].

Defendant's exhibit #2 is a transcript from a portion of the deposition based upon the subpoena *duces tecum* in defendant's exhibit #1. Despite what were clearly strenuous objections by other counsel, and pointed references to the inappropriate nature of the questioning, the plaintiff continued to ask [Maryann] questions regarding her sex life and possible infidelities during the time of their relationship from 2005 to 2008. [Defendant's exhibit #5 shows an e-mail the defendant believed came from the plaintiff regarding the \$31,000.00 request made in defendant's exhibit #18 offered by him to show that she was attempting to extort money from him.] Defendant's exhibit #7 and #8 are e-mails that the defendant believed were sent by the plaintiff. They were sent to people with whom he believed she was involved (after the parties were no longer a couple) and to her high school boyfriend. The Court finds that defendant's exhibit #13 (headed Robert.M.A.Nadeau, JD) is another letter she believed the plaintiff wrote prior to her e-mail in 2013 requesting the \$31,000.00. The letter is to a Dr. "Bill," whom appears to be the same person that the plaintiff purportedly sent an e-mail to in February 2008. The exhibit is over twenty pages long. The letter sets forth, in graphic detail, the course of the parties' relationship, disputes, and the plaintiff's alleged victimization by [Maryann]. The exhibit is also extraordinarily self-promoting. The plaintiff relates his many positive attributes and accomplishments.

The Court finds that the defendant was very credible regarding her belief that those exhibits came from the plaintiff and were intended to ruin her relationships and harass her. The defendant is not an attorney. The Court finds that she was credible when she stated she believed she had a legitimate lawsuit against the plaintiff. Whether she legally could have prevailed is uncertain, but the Court finds her belief that she had been harmed by the plaintiff to be credible.

As stated above, both parties had credibility issues. However, the plaintiff has the burden of proving that more likely than not the defendant violated the statute. The Court has reviewed all the evidence and all the ways of violating the statute. The Court finds that the plaintiff failed to carry his burden of proof.

The complaint for protection from harassment is DENIED and hereby DISMISSED.

The defendant's request for attorney's fees is DENIED. The Court does not find that the plaintiff's complaint was frivolous.

This Order is to be incorporated upon the civil docket pursuant to 79(a) of the Maine Rules of Civil Procedure.

Dated: May 4, 2015

[Signature of Judge]

Judge, Maine District Court

Docketed and Entered on 5/7/15

By KC