

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS.

SUPERIOR COURT
DOCKET NO. 1477CV00487

ROBERT M.A. NADEAU,

Plaintiff

v.

**DEFENDANT'S CORRECTED STATEMENT
OF CLAIMS TO BE TRIED**

NANCY MADORE PRATT,

Defendant

NOW COMES the Defendant, Nancy Madore Pratt, without counsel, and pursuant to the requirements of paragraph 2 of the Court's Pre-Trial Order, offers the following statement regarding issues to be addressed at trial:

1. Count III (Defamation): The Plaintiff has failed to produce evidence of a defamatory statement in the Defendant's book entitled "*The Ethics of Judge Nadeau*" (hereinafter "The Book"). In addition, the statements the Plaintiff challenges (without evidence) are nothing more than *opinions*. Not only does [Madore] make it clear that these statements are opinions, but she further tempers these statements with the admission that the various courts have opposed her opinions. Furthermore, 'defamatory' statements must be viewed in the context with which they were written. For example, one of the key assertions of the Plaintiff is that the Defendant's opinion that he mishandled her brother's case is defamatory and violates his privacy as a 'private attorney.' Ignoring the most obvious flaw in this reasoning—which is that the services of this attorney (like all services offered to the public) are open to public review—this argument still fails because there still remains the larger issue, which is that the *opinions* in The Book are not nearly as damaging as the *documented facts*. The overall theme of the book is that the Plaintiff is unethical. The *documented facts* that support this theme include the Plaintiff regularly violating the attorney client privilege; attempting to use information he received from a client to try and gain an advantage against that client; contacting the opposing party in a former client's case and offering to assist that opposing party *in the same matter he was representing that client in*; offering \$31,000.00 to a witness who was testifying against him--while strongly urging her not to tell her attorneys about it; intercepting tape recordings of private conversations of a former client and giving that information to men he believed she might be dating, and using \$70,000.00 in

client funds to pay his law firm expenses. There is much more, but to comply with the Court's request to keep this statement to 2 pages, the Defendant will trust that her point has been taken. In light of these *facts* (all of which the Plaintiff has failed, to date, to refute), it seems unlikely that the Defendant's *opinion* that the Plaintiff mishandled her brother's case is the issue that is harming the Plaintiff's business.

- 2. Count II (Invasion of Privacy): The Plaintiff has failed to prove invasion of privacy on a number of counts. First, as to his medical record, the Plaintiff *willingly* and forcefully submitted this document into a public hearing where media was present and he was being accused of abuse. Furthermore, the one and only statement that the Defendant quotes from the Plaintiff's medical record—that he is a narcissist and a sociopath—is not only true but relevant to the behavior that the Defendant is describing in *The Book*. What's more, this behavior relates *directly* to the Plaintiff's positions as an elected official, a probate judge, an attorney offering his services to the public and an officer of the court—and takes place in public courtrooms where he is violating the rules...with impunity! A public figure behaving this way in our public courtrooms is a matter of public concern. But this Plaintiff is also using his *public* position as an elected official and judge to abuse the system and terrorize people. In fact, the judicial committee in Maine has just cited him with this very thing! Therefore, when taken in context, it is clear that *The Book* absolutely does not violate the Plaintiff's privacy.

- 3. Count IV (Interference with Advantageous Relationships): The Defendant has acted responsibly in writing *The Book*. Her intention was to tell the truth. Her motive was to hold the Plaintiff accountable. The Plaintiff is not entitled to recourse for consequences he may suffer because of his wrongful behavior.

THE DEFENDANT

Nancy Madore Pratt
XXXXXXXXXXXX
Amesbury, MA 01913
978-994-XXXX

Date