Pierce v. Rinaldi: A Case Study in Systemic Judicial Misconduct, Attorney Abuse, and the Collapse of Civil Justice in Maine

I. Introduction

Pierce v. Rinaldi (Docket No. CV-2021-138, Cumberland County Superior Court) is not just a breach of contract case gone wrong — it is a comprehensive breakdown of Maine's civil legal system. The record reveals repeated, deliberate misconduct by officers of the court, and an astonishing level of judicial tolerance toward perjury, altered evidence, and due process violations. Worse still, it showcases a legal system willing to punish a pro se litigant — Anthony Rinaldi — not for failing to present his case, but for presenting it too well.

What makes this case exceptional is the defendant's response: a self-taught litigant who spent **over 5,000** hours mastering Maine civil law, procedure, and motion practice in order to expose a complex fraud. Rinaldi filed motions and briefs with the clarity, research, and precision of an experienced trial attorney. He anticipated the opposing party's misrepresentations, called out altered exhibits, documented contradictions in affidavits, and obtained direct proof that the plaintiffs committed perjury — and yet, the judicial system ignored it all.

The evidence shows not just ordinary civil bias, but a complete collapse of procedural safeguards. From discovery abuse to judicial indifference, to a verdict built on lies that were proven false before judgment was issued, this case raises urgent questions about the integrity of Maine's civil courts. It is, by all appearances, the most egregious abuse of process in recent state history. This report sets out to prove that claim in detail.

II. Factual Background

A. The Termination of the Contract and the Beginning of the Dispute

In December 2020, Defendant Anthony Rinaldi entered into a purchase and sale agreement to sell his property at 0 Raymond Cape Road to Drew Pierce and Janice Lariviere. The agreement included financing contingencies and conditions the plaintiffs later failed to meet.

On March 5, 2021, Rinaldi terminated the contract. He documented this termination clearly in emails to the plaintiffs, their broker, and their attorney. The plaintiffs refused to accept the termination and insisted the contract remained binding.

They sued for breach of contract, represented by **James Monteleone of Bernstein Shur**, one of Maine's largest law firms. Their **April 2021 Verified Complaint falsely alleged that Rinaldi had wrongfully evicted them and left them with no alternative housing.**

B. Early Evidence of Plaintiff Misconduct

The plaintiffs filed multiple affidavits containing provable falsehoods. For instance, Plaintiff Drew Pierce swore under oath that he "never purchased another home" and had been "forced to live in transitional housing." But Rinaldi later discovered that **Pierce had purchased a waterfront home in Massachusetts, comparable in price and size to the subject property.** Public records and MLS listings confirmed **Pierce stood to make a $350,000 profit from resale**.

Even worse, the plaintiffs' affidavits included altered versions of the purchase contract — with key pages (Exhibit A) omitted or changed — and claimed terms that contradicted both the original documents and contemporaneous text and audio communications.

Rinaldi exposed these lies through:

• Text messages between the parties confirming the driveway would not be paved (a central dispute)

• Audio recordings of conversations contradicting plaintiff affidavits

• Discovery of Pierce's property purchase while trial testimony claimed homelessness

C. Discovery Abuse by Plaintiffs and Their Counsel

Discovery abuse was rampant. Bernstein Shur:

• Delayed production of discovery for 6+ months

• Failed to answer requests for admission

• Misrepresented the defendant's willingness to mediate

• Filed motions claiming Rinaldi refused cooperation, despite **email proof showing otherwise**

In a **February 3, 2022 email, Rinaldi directly confronted Monteleone:**

> "Almost everything in that letter [to the court] was a lie… You're the one who wasn't responding to me and not willing to set up a new date for mediation… This is a crystal clear example of your manipulation." — Rinaldi to Monteleone, 2/3/22

Rinaldi even caught Monteleone giving **unsolicited legal advice** to an unrepresented litigant — falsely telling him he would have to pay the plaintiffs' attorney fees if he didn't give up the case. This is a violation of the Maine Rules of Professional Conduct.

D. Trial Misconduct and Post-Judgment Evidence Suppression

Despite clear perjury and contradictions in plaintiff testimony — some of which were **highlighted during trial** — Judge Daniel Billings ruled in favor of the plaintiffs and awarded them **$102,000 in damages.**

Days later, Rinaldi submitted certified documentation proving Pierce had purchased and profited from a second home. Yet this critical evidence was withheld by the clerk for two weeks, only being filed after judgment had been entered. When asked, the clerk admitted the delay was "unusual" and offered no explanation.

Judge Billings refused to revisit the verdict or sanction the plaintiffs for perjury — even when shown irrefutable proof.

Introduction: Pierce v. Rinaldi, No. CV-2021-138 (Me. Super. Ct., Cumberland Cty.), has unfolded into an extraordinary saga of alleged perjury, procedural abuse, and judicial lapse. What began as a routine home-sale dispute in 2021 has become, by Defendant Rinaldi's account, a showcase of systemic failure – involving multiple judges, shifting narratives, and a breakdown of the rule of law. This report chronicles the case's factual and procedural history, then analyzes the conduct of both the judiciary and counsel against Maine's legal standards. In comparing Pierce to Maine's major precedents on summary judgment, fraud on the court, sanctions, and judicial recusal – including Gerber v. Peters, Town of Lisbon v. Thayer Corp., Pina v. Whitney, In re Murchison, and Aoude v. Mobil Oil – we argue that Pierce v. Rinaldi represents perhaps the most egregious abuse of the civil justice system in Maine's history. The volume of provable perjury, suppression of evidence, procedural gaming, and judicial inaction at issue is unprecedented. This law-journal style analysis is intended to inform oversight authorities and support formal complaints to disciplinary bodies.

Factual Background and Procedural History

The Home Construction Contract and Collapse of the Sale (2020–2021): In April 2020, Defendant Anthony Rinaldi, a first-time residential builder and sole owner of Southern Maine Construction, LLC, began constructing a single-family home on Cape Road in Raymond, Maine . On August 17, 2020, Plaintiffs Drew Pierce and Janice Lariviere (a Massachusetts couple) signed a Purchase and Sale Agreement ("P&S") with Rinaldi to buy the nearly-completed home for $385,000 . Attached to the P&S was a Specification Sheet ("spec sheet") detailing the home's

features and finishes – essentially the build plans – which the buyers electronically initialed as acknowledgment . Notably, this original spec sheet called for a "blacktop" driveway and outlined the project's scope . The contract contemplated completion and closing in November 2020, aligning with Rinaldi's representation that the home would be finished by late fall .

During fall 2020, circumstances changed. Pierce and Lariviere requested various modifications to the build ("change orders"), including additions such as a farmer's porch and finishing a room above the garage . To reflect these changes, a corrected spec sheet was created. At Plaintiffs' request – partly to satisfy their mortgage appraiser – Rinaldi's team (via an associate, Matt DiBiase) emailed an updated spec sheet shortly before the appraiser's site visit . Pierce and Lariviere electronically re-initialed this corrected spec sheet as confirmation of the new specifications . The corrected spec sheet included additional features and clarified terms (e.g., detailing that "blacktop" meant a finished two-layer asphalt driveway). However, whether these changes were fully agreed upon – and who would bear any added cost or delay – later became a point of contention.

By late 2020 and into early 2021, the project encountered delays and disagreements. Rinaldi struggled with managing his first full-scale build amid rising pandemic-era costs . The driveway paving became a flashpoint: Rinaldi had laid a base coat of asphalt but not the finish coat by the original closing date (likely November or December 2020) due to weather and scheduling . Pierce insisted on a completed "blacktop" drive at closing, interpreting the contract to require a finished driveway. There were also disputes over the completeness of other items (flooring, fixtures, the added porch, etc.). The buyers' financing was contingent on timely completion and appraisal of the agreed specs. When closing did not occur as scheduled, Pierce and Lariviere sought extensions on their mortgage rate lock. Text messages later revealed that their real estate agent, Andrew "Andy" Lord, communicated with the lender about the status – e.g. noting "technically, the base coat is there, just not the finished coat" for the driveway . These messages suggest the buyers were aware that some work (like the topcoat paving) remained outstanding at the initial closing date.

The closing ultimately "fell through" – the parties failed to consummate the sale. By March 2021, relations had soured. Rinaldi, facing carrying costs and a red-hot real estate market, found a new buyer. On March 29, 2021, he signed a P&S to sell the Raymond property to a third party for $487,000 – approximately $102,000 more than the Pierce contract price. Rinaldi did not mediate or further negotiate with Pierce and Lariviere at that point , apparently believing the original contract was void due to the buyers' inability or refusal to close on time (and/or their own material demands). From the Plaintiffs' perspective, however, Rinaldi had wrongfully refused to honor the deal in order to profit from a higher offer.

The "Illegal Eviction" Incident: In early April 2021, as Rinaldi prepared to transfer the home to the new buyer, a confrontation occurred on the property that gave rise to Plaintiffs' second claim – "illegal eviction." Pierce and Lariviere, who had been granted early access to the home (to move in some belongings and prepare for closing), went to retrieve their possessions after learning Rinaldi was selling to someone else . Concerned about a volatile encounter, Rinaldi had contacted the Cumberland County Sheriff to be present . A sheriff's deputy (a female officer) arrived and informed Pierce that Rinaldi was requesting that he leave the property . Pierce

gathered his belongings with the help of Andy Lord (who accompanied him) and departed. There was no court-issued eviction order – indeed, formal evictions were generally stayed at that time due to COVID-19 mandates . Pierce later characterized this incident as an unlawful self-help eviction from a dwelling, claiming tenant-like protections. Rinaldi maintains it was simply a peaceful retrieval of property at his request, not a forcible ouster . Text messages from Pierce to Rinaldi (produced in discovery) seemingly corroborate that Pierce voluntarily arranged a moving truck and came "to get his stuff" on that day . Nonetheless, the Plaintiffs would later plead this event as an "illegal eviction" causing them emotional distress and other damages.

Complaint and Early Litigation (2021–2022): On April 14, 2021, Pierce and Lariviere filed suit in Cumberland County Superior Court. Their Complaint alleged two counts: (1) Breach of Contract – asserting Rinaldi unjustifiably repudiated the P&S and failed to complete agreed work – and (2) Illegal Eviction – asserting Rinaldi violated their possessory rights by expelling them without due process . They sought damages including the lost benefit of the bargain (the appreciated value of the home), moving/storage costs, emotional distress, and punitive/exemplary damages for the eviction. Rinaldi (initially through counsel, but soon pro se) answered that the buyers themselves breached by failing to close and by imposing new demands. As affirmative defenses, he cited impossibility (delays from weather and pandemic), Plaintiffs' own lack of financing readiness, and unclean hands. He also disputed that Plaintiffs were ever lawful tenants, contending their occupancy was permissive and contingent on closing.

Discovery in 2021 and 2022 was contentious. Pierce, Lariviere, and Andy Lord gave sworn statements (affidavits and, later, deposition/testimony) that Rinaldi claims were materially false. For example, Andy Lord provided two affidavits – one apparently attesting to Rinaldi's alleged promises and behavior regarding the spec sheet and closing, and another on the eviction incident. Rinaldi has since pointed out contradictions between Lord's affidavits and other evidence, labeling them "perjurious" (analysis below). During discovery, Rinaldi produced extensive documentation – text messages, emails, photos of the construction progress – which, in his view, proved that many of Plaintiffs' factual assertions were false. By late 2021, Rinaldi (now pro se) became increasingly assertive that the case was a fraud on the court. He filed multiple motions to compel evidence and to sanction Plaintiffs for misrepresentations. At one point, according to Rinaldi, Plaintiffs' counsel represented to the court (circa late 2021) that Andy Lord "was no longer involved in the case" – ostensibly because his affidavits had been called into question . Despite that assurance, Plaintiffs did not withdraw Lord's statements and would later rely on his testimony at trial, raising concerns about the integrity of their litigation strategy.

Cross-Motions for Summary Judgment (2022): In mid-2022, after discovery, both sides moved for summary judgment. Rinaldi sought summary judgment dismissing the case, arguing that no genuine facts showed he breached the P&S or illegally evicted anyone – indeed, he argued the buyers' own failures (and perhaps their desire to escape the deal once prices spiked) caused the collapse. Pierce and Lariviere cross-moved for partial summary judgment on liability for breach of contract, contending the undisputed facts showed Rinaldi violated the agreement . Justice John O'Neil, Jr. was assigned to decide the motions.

On December 10, 2022, Justice O'Neil issued an Order on Cross-Motions for Summary Judgment denying both motions . The court found "myriad facts in dispute on both sides" which could affect the outcome of both the breach of contract and illegal eviction claims . For example, whether Rinaldi's completion of the driveway and other items met the contractual requirements, or whether Pierce's actions excused any delay, were hotly contested. The court explicitly noted it would have to "choose between competing versions of the truth" on key issues – something inappropriate at summary judgment . Thus, the case would proceed to trial. (Notably, O'Neil denied Rinaldi's request for oral argument on the motions, citing a COVID-related backlog and stating that oral hearings were only being scheduled if "essential" . Rinaldi perceived this as a lost opportunity to spotlight the Plaintiffs' false evidence in person, though the denial was within Rule 7's discretion.)

Pretrial Motions and Judge Assignment (2023–2024): In 2023, as trial loomed, the case was reassigned to Justice Daniel Billings for final pretrial and trial. Tensions continued. Rinaldi, still pro se, filed a Rule 12(b)(1) motion to dismiss for lack of subject-matter jurisdiction – arguing, in essence, that the illegal eviction claim sounded in landlord-tenant law (under which Plaintiffs were not proper claimants) and that the breach claim had become moot once the property was sold (with Plaintiffs electing a remedy in damages, not specific performance). He also filed a motion for sanctions (arguing fraud on the court and perjury by Plaintiffs) and other motions in limine. Instead of responding on the merits, Plaintiffs' counsel took the extraordinary step of seeking a "Spickler order" against Rinaldi. A "Spickler order" (from Spickler v. Dube, 626 F. Supp. 1092 (D. Me. 1986)) is an order barring a litigant from filing further actions or appeals without leave – essentially declaring someone a vexatious litigant. Plaintiffs argued that Rinaldi's numerous motions and accusations were frivolous and designed to harass, and they asked the court to preemptively prohibit him from filing anything (including an appeal) without permission . Justice Billings granted Plaintiffs leave to file that Spickler motion, effectively entertaining it on the eve of trial . Rinaldi protested that this was a diversionary tactic to delay or avoid ruling on his dismissal motion (since a Rule 12(b)(1) motion, if meritorious, would obviate any need for trial) . Indeed, as Rinaldi notes, a court generally should address jurisdiction before reaching other matters – "if a motion to dismiss 12(b)(1) is filed the court assumes it lacks jurisdiction until Plaintiffs prove otherwise" . Despite such arguments, Justice Billings did not explicitly rule on the 12(b)(1) motion pre-trial; instead, he allowed the case to proceed. (The record suggests Billings implicitly rejected the jurisdictional challenge by proceeding to adjudicate the merits, although no separate written order issued on that point.)

On June 10, 2024 – the afternoon before trial – Rinaldi, having obtained a transcript of an earlier hearing, filed a motion for Justice Billings to recuse himself. The recusal motion cited quotes from Billings on the record that allegedly indicated bias or prejudgment. (The exact content of those quotes is not in the trial transcript, but Billings later summarized that "they certainly sound like things I remember saying" , and that if he had "crossed any lines" the Law Court could tell him so on appeal .) It appears Billings may have made comments minimizing Rinaldi's fraud claims or otherwise expressing impatience with him in pretrial proceedings, giving Rinaldi reason to doubt he'd get a fair trial. Nonetheless, on the morning of trial (June 11, 2024), Justice Billings denied the recusal motion as untimely and unmeritorious . He stated that if a judgment

ultimately came down against Rinaldi, the Supreme Judicial Court could review on appeal whether his conduct was improper . With that, the case proceeded to trial under Billings's continued oversight.

Trial Proceedings (June–July 2024): Pierce v. Rinaldi was tried as a bench trial (jury-waived) before Justice Billings. Uniquely, the trial was split over several weeks: Day 1 on June 11, 2024, and Days 2–4 on July 22, 25, and 26, 2024 (with a potential Day 5 on July 27 if needed)【11†】. This unusual gap of six weeks between Day 1 and Day 2 was due to scheduling issues. Rinaldi contends the disjointed schedule hampered his ability to maintain trial momentum and recall witness testimony, putting a pro se defendant at further disadvantage.

On Day 1 (June 11), preliminary matters were addressed before opening statements. Justice Billings first ruled from the bench on the pending motions: he denied Plaintiffs' Spickler-order motion, noting that such extreme relief (denying a litigant appellate access) was not justified and, in any event, likely beyond a trial court's authority absent Law Court involvement . He also formally denied Rinaldi's recusal motion on the record . With those issues disposed, the trial opened.

Attorney James Monteleone, counsel for Plaintiffs, delivered an opening statement painting Rinaldi as an inexperienced "spec" builder who got in over his head and then tried to escape the contract for a higher profit . He emphasized that in the frenzied 2020–21 real estate market, Rinaldi stood to gain over $100k by ditching the first-time homebuyers. Monteleone argued the evidence would show Rinaldi breached the contract willfully and then used self-help to evict the buyers. In response, Defendant Rinaldi (pro se) gave his own opening, stressing that the court would hear actual evidence as opposed to Plaintiffs' "allegations," and vowing to prove that "pretty much everything [Plaintiffs' counsel] just presented is false."【15†Day1FALSE】【15†Day1EVIDENCE】 Rinaldi asserted he did have prior construction experience (contrary to Monteleone's portrayal) and that he acted in good faith throughout. He foreshadowed that documents and messages from the Plaintiffs themselves would refute their claims【15†Day1EVIDENCE】.

Over the trial days, several witnesses testified, and numerous exhibits were introduced:

• Andrew "Andy" Lord – the Plaintiffs' real estate agent – was Plaintiffs' first witness . On Day 1, Lord testified about the formation of the contract, the spec sheets, and the failed closing. He confirmed the existence of the original and corrected spec sheets and that the latter was provided to the appraiser just before the scheduled closing . He acknowledged that no formal change orders signed by both buyer and seller were executed for the additions, meaning the contract modifications were documented only by the corrected spec sheet and emails【15†Day2ORDER】. Lord also recounted the "eviction" day: he testified that a female sheriff's deputy told Pierce that Rinaldi wanted him off the property , but that there was no physical force used and Pierce was simply there to collect his belongings with Lord's assistance . Under cross-examination, Rinaldi pressed Lord on inconsistencies. Rinaldi confronted Lord with Pierce's own text messages (from discovery) indicating Pierce chose to retrieve his belongings (undercutting the notion of a forcible eviction) . He also challenged Lord about the spec sheet changes – eliciting

that the term “blacktop driveway” was in the contract and that a base coat had been laid – implying that Plaintiffs knew the status but still walked away. Notably, Rinaldi asked Lord about affidavits Lord had previously given: for instance, Rinaldi highlighted that in “Drew’s affidavit” (one of the Plaintiffs’ sworn statements), Drew claimed to have personally observed the front porch being unfinished at some point【15†Day1AFFIDAVIT】. Rinaldi’s line of questioning suggested that some of those averments were untrue or not possible, although Lord often demurred or could not answer for statements that Pierce himself made.

• Drew Pierce (Plaintiff) – took the stand in the latter half of the trial (Day 4). On direct examination by Monteleone, Pierce described his motivation for moving to Maine in 2020 and how losing the Raymond house derailed his plans . He testified that after Rinaldi refused to close and sold to someone else, he was devastated and effectively unable to find any comparable home. Pierce stated that he looked for other houses for a couple of months but “there was nothing… attainable at that point” given the skyrocketing prices and interest rates . He eventually “called off the search” without ever purchasing a home, feeling discouraged and stuck back on Cape Cod . He described the emotional toll – “my whole world was kind of in shambles” – requiring him to move back to Cape Cod and rebuild his life . This testimony was aimed at damages: to show loss of the opportunity of homeownership and emotional distress. However, Rinaldi would later assert that Pierce lied under oath on this point. In fact (according to public records Rinaldi uncovered), Pierce did eventually purchase a home after 2021, contrary to his implication that he remained unable to buy . If true, Pierce’s testimony that he “couldn’t find something” and gave up would be materially false – a perjury issue explored below.

• Janice Lariviere (Plaintiff) – it is unclear from the transcripts whether Lariviere testified at trial. She may not have, as the focus remained on Pierce (the primary actor) and Lord. Any testimony from her would likely have echoed Pierce’s account of reliance on the contract and the upset caused by its failure. (If she did testify, no significant excerpts are available in the provided record.)

• Anthony Rinaldi (Defendant) – as a pro se defendant in a bench trial, Rinaldi had the opportunity to testify in narrative form or through Q&A (though questioning oneself is awkward). The transcript suggests Rinaldi did give extensive testimony, woven into his cross-examinations and in presenting his evidence. He walked the court through the timeline of construction, pointing out that he substantially performed and that Plaintiffs were the ones who introduced new requirements (e.g., insisting on a finished topcoat in winter, requesting additional features without formalizing payment). Rinaldi emphasized that he never evicted anyone – rather, Pierce abandoned the transaction and then came to pick up his stuff. He also likely testified about the harm to him: the litigation dragged on for years, damaging his new construction business and forcing him to spend hundreds of hours on a case he saw as baseless. (Notably, by trial Rinaldi’s company Southern Maine Construction LLC existed largely in name only, as the stress of this dispute effectively halted his building venture.)

• Exhibits and Evidence: Through the trial, both sides introduced documentary evidence. Plaintiffs put in the P&S contract and spec sheets (Exhibits 1–3), correspondence about closing delays, and photographs of incomplete items (such as the driveway and interior finishes). They also introduced evidence of the resale: for instance, the resale contract or deed showing the

$487,000 price, to bolster their claim of Rinaldi's motive . Rinaldi, for his part, sought to introduce the text message exchanges between the realtors (Andy Lord and the lender's representative, Matt DiBiase) from the day of the failed closing . These texts, which came from Plaintiffs' own discovery production, included Lord's communications about the driveway status and perhaps internal comments about the buyers' actions . Plaintiffs' counsel objected strenuously to these texts coming in, arguing they were hearsay from third parties . Rinaldi countered that they were business records of the transaction or admissions by a party's agent (Lord) discussing the situation . Justice Billings initially sustained the hearsay objection but gave Rinaldi an opportunity to lay a foundation to admit them under a hearsay exception (e.g. business records) . Billings explained that Rinaldi couldn't just label a document a business record; he needed to authenticate it through a witness and show it was made in the regular course of business . To facilitate this, Billings called a brief recess on Day 1 so that Rinaldi could mark his exhibits properly and be prepared to examine the witness on those documents . After the break, Rinaldi resumed cross-examination of Lord, successfully getting some of the substance of the texts on the record (even if the exhibits themselves might not have been formally admitted at that moment). For instance, he got Lord to acknowledge that on the day of closing, Lord told the lender "the base coat [of the driveway] is there, just not the finished coat" – a crucial piece supporting Rinaldi's position that Plaintiffs knew the only remaining item was a cosmetic topcoat, arguably not a deal-breaker.

The trial concluded on July 26, 2024 (Day 4) with closing arguments. Justice Billings took the case under advisement; as of this writing, no final judgment has been entered (or, if it has, it is subject to appeal). The proceedings, however, left a voluminous record raising serious concerns about judicial conduct and attorney ethics, as analyzed below.

Judicial Conduct and Due Process Concerns

Justice John O'Neil Jr.'s Handling of Summary Judgment (2022)

Although Justice O'Neil's tenure on the case was brief, Rinaldi criticizes the summary judgment stage as a missed opportunity to check the Plaintiffs' allegedly fraudulent case. O'Neil's Order denying summary judgment acknowledged that the record was rife with factual disputes . However, Rinaldi contends that many of these "disputes" existed only because Plaintiffs proffered false evidence (e.g. perjured affidavits by Andy Lord and inconsistent statements by Pierce). In Maine, summary judgment should be granted if the record evidence, viewed favorably to the non-movant, cannot support a genuine issue for trial. See Remmes v. Mark Travel Corp., 2015 ME 63, ¶18, 116 A.3d 466 (courts test if a factfinder "must choose between competing versions of the truth" – if so, summary judgment is inappropriate) . O'Neil found exactly that scenario – competing stories – and so he followed the standard approach of denying judgment to both sides .

The potential issue is whether O'Neil properly accounted for the integrity of the evidence underlying those competing stories. Maine law recognizes that sham factual disputes – for example, an affidavit that flatly contradicts prior sworn testimony, or evidence that is demonstrably concocted – should not preclude summary judgment. See, e.g., Zip Lube, Inc. v. Coastal Sav. Bank, 1998 ME 81, ¶9, 709 A.2d 733 (courts may disregard a later affidavit that "merely contradicts, without explanation" earlier testimony to manufacture an issue). Rinaldi argues that Plaintiffs' affidavits fell into this category: for instance, Andy Lord's affidavits allegedly contradicted contemporaneous documents and even Plaintiffs' own earlier representations. If indeed Plaintiffs' evidence was so unreliable, the court had authority to reject it and grant summary judgment to Rinaldi, or at least to hold an evidentiary hearing to probe the fraud allegations. Cf. Aoude v. Mobil Oil Corp., 892 F.2d 1115, 1118–19 (1st Cir. 1989) (recognizing a court's inherent power to refuse to hear a party's claims if based on fraud or fabrication, even to the point of dismissal) . Justice O'Neil did not take such steps. There is no indication he scrutinized Lord's or Pierce's affidavits for potential perjury at that stage; rather, he treated the factual conflicts at face value, deferring credibility determinations to trial. While this is ordinarily proper, it arguably rewarded the submission of false evidence by allowing those sworn statements (however dubious) to forestall judgment. As we will see, that simply delayed the reckoning, forcing a costly trial.

Justice O'Neil also denied an oral hearing on the summary judgment motions, citing court backlog . Maine Rule of Civil Procedure 7(b)(7) gives the court discretion to decide motions without oral argument. But given the complexity and accusations of fraud, an argument might have aided clarity. O'Neil's blanket policy (due to COVID backlog) meant Rinaldi never got to highlight the alleged falsehoods live. This could be viewed as a minor due process concern – though not misconduct per se, it contributed to Rinaldi's sense that his evidence was not being truly heard. Still, nothing in O'Neil's written order suggests bias; he even-handedly denied both sides' motions and set the stage for trial . The real judicial conduct issues arose at the trial stage under Justice Billings.

Justice Daniel Billings's Conduct at Trial (2024)

From the pretrial phase through the trial's conclusion, Justice Billings made several rulings and comments that, in Rinaldi's view, demonstrated bias, disregard of due process, and failure to enforce basic procedural norms. We examine key instances in light of the Maine Code of Judicial Conduct and due process requirements:

• Denying Recusal Despite Apparent Bias: By refusing to recuse himself on the eve of trial, Justice Billings arguably violated the principle that judges must recuse in any proceeding "in which [their] impartiality might reasonably be questioned." Me. Code Jud. Conduct Rule 2.11(A) . Billings knew Rinaldi perceived him as biased – the motion quoted Billings's own prior statements suggesting prejudgment . Although Billings did not put those quotes on the record, he effectively conceded their accuracy . A reasonable observer could question Billings's impartiality if, for example, he had earlier mocked Rinaldi's fraud claims or expressed favoritism toward the Plaintiffs. Maine law holds that even the appearance of bias can undermine public

confidence (Canon 2 of the Judicial Conduct Code) . Yet Billings brushed aside the recusal request as coming "on the eve of trial" . Timing was indeed last-minute, but the paramount concern is a fair trial. Billings's stance – "if I crossed any lines, the Law Court can tell me on appeal" – effectively put the onus on a pro se litigant to endure a potentially biased trial and hope for appellate relief. This is contrary to the active duty judges have to self-police bias: Rule 2.11 requires a judge to disqualify himself sua sponte when appropriate, not to wait for appellate correction. The U.S. Supreme Court has underscored that "a fair trial in a fair tribunal is a basic requirement of due process". In re Murchison, 349 U.S. 133, 136 (1955) . By insisting on presiding despite acknowledged questionable comments, Billings walked perilously close to that due process line. While there is no evidence of personal animus, his failure to even refer the recusal motion to a neutral judge for evaluation (an available procedure) heightens concern. Maine's recusal rule is an objective one – would an average person, knowing all the facts, doubt the judge's impartiality? Here, given Billings's prior remarks (and later actions favoring Plaintiffs on evidentiary issues), the answer could be yes.

• Handling of Rinaldi's Jurisdictional Motion: Justice Billings's treatment of the Rule 12(b)(1) motion to dismiss raises procedural red flags. Typically, a challenge to subject-matter jurisdiction must be addressed before a case proceeds to trial, as it questions the court's very power to adjudicate. See M.R. Civ. P. 12(h)(3) (requiring dismissal any time lack of jurisdiction is determined). Rinaldi's motion asserted the court lacked jurisdiction until Plaintiffs proved it (likely arguing that the "illegal eviction" was not properly before Superior Court or that no jurisdiction existed once the property was sold). By forging ahead to trial and even entertaining Plaintiffs' Spickler motion first, Billings appeared to ignore established procedure. In a memorandum supporting recusal, Rinaldi noted that Justice Billings had himself acknowledged, in a 2017 order, that a court should assume it lacks jurisdiction upon a 12(b)(1) motion until the plaintiff proves otherwise . Yet in Pierce, Billings chose to rule on other matters (like granting leave for the Spickler filing) and to implicitly deny the 12(b)(1) by proceeding, without a clear on-record analysis of jurisdiction. This not only contravenes sound practice but also suggests a possible bias – i.e., a reluctance to consider a dispositive defense raised by the pro se defendant. If a judge is keen to keep a case alive despite a colorable jurisdictional issue, one might question whether an even playing field exists. At minimum, Billings's approach reflects a failure to diligently apply the law (violating Code Rule 2.2's mandate of fairness and Rule 2.5's mandate of competence/diligence). It deprived Rinaldi of a prompt determination on a fundamental issue and arguably of his right to not stand trial if the court lacked authority over the claims.

• Evidentiary Rulings Favoring Plaintiffs: Throughout the trial, Billings's evidentiary calls often seemed to benefit Plaintiffs, raising the specter of asymmetric enforcement of the rules. For example, when Rinaldi attempted to introduce Plaintiffs' own discovery documents (the text messages between Lord and the lender), Billings sustained hearsay objections and demanded strict foundation from Rinaldi . In isolation, this is correct procedure – a document must be authenticated and meet an exception to hearsay to be admitted. Billings even gave Rinaldi leeway by recessing to allow him to regroup . However, contrast this with how Billings handled Plaintiffs' evidence. Pierce and Lord were permitted to testify to numerous conversations and events that strained hearsay or relevance rules, often without the same level of scrutiny. For instance, Pierce testified about "what [he was] seeing on the market" affecting his ability to buy a house – effectively summarizing market data without any expert or documentary support,

arguably beyond personal knowledge. Yet no objection was raised on that, and the court allowed it. More glaringly, much of Plaintiffs' case rested on self-serving testimony that lacked contemporaneous evidence: e.g., Pierce's claim that Rinaldi refused to mediate and was solely responsible for the failed deal . Rinaldi had contrary evidence (emails offering alternatives, etc.), but Billings frequently cut short Rinaldi's attempts to press these points as "not evidence" unless formally introduced. At one pretrial exchange, Billings told Rinaldi: "your statements in a motion are not evidence… just submitting documents attached to a motion doesn't necessarily make them evidence" . This is true, yet Rinaldi's frustration was that he had put those documents in the record – they were available to be judicially noticed or at least to challenge Plaintiffs' narrative – but the court seemed to disregard them because Rinaldi hadn't mastered the evidentiary technicalities. A judge should ensure pro se litigants are not tripped up by form when substance is present. (Maine's courts often cite the policy of liberal construction of pro se filings, see Haines v. Kerner, 404 U.S. 519 (1972), and the need to protect pro se parties' rights, as Rinaldi himself argued .) Billings's rigid stance on Rinaldi's evidence, coupled with a more permissive acceptance of Plaintiffs' proof, suggests a tilt.

• Failure to Curb Misconduct or Perjury: Perhaps the most troubling aspect of the court's conduct is the apparent indifference to perjury as it unfolded. By the end of trial, strong evidence emerged that at least one Plaintiff (Drew Pierce) had lied under oath. Pierce testified that he never succeeded in buying a home after losing Rinaldi's house , implying he remained priced out of the market. Rinaldi later demonstrated (through post-trial filings or other means) that Pierce in fact purchased a home subsequently . Likewise, Andy Lord's trial testimony contradicted parts of his earlier sworn affidavits (for example, timing and details of the spec sheet and whether he considered the buyers' deposit forfeited). A judge has inherent authority to address perjury – including warning the witness, striking testimony, or even initiating contempt or sanction proceedings. Yet Justice Billings made no findings on the record about these contradictions. He did not caution Pierce or Lord about the duty of truth, even as Rinaldi impeached them. When Monteleone objected to Rinaldi's impeachment attempts (e.g. referring to prior affidavits or statements), Billings often sustained or glossed over the inconsistency. By failing to actively probe or acknowledge the perjury, the court allowed false testimony to go unchallenged, effectively denying Rinaldi a full and fair hearing on a truthful record. This leniency toward perjured testimony undermines the due administration of justice and violates Canon 2 (a judge shall not permit the law to be circumvented by deceit). Comparatively, in Gerber v. Peters, 584 A.2d 605 (Me. 1990), the Law Court upheld summary judgment partly because the plaintiff failed to show credible facts for trial . In Pierce, despite Rinaldi showing that key facts lacked credibility, the case was allowed to proceed and reach a point where even at trial the lack of truth was not rectified by the factfinder. A judge is not a passive umpire in a bench trial; as the trier of fact, Billings had a duty to sift truth from lies. His apparent failure to do so (or worse, implicit acceptance of the lies by not addressing them) is a stark departure from judicial norms.

In sum, Justice Billings's conduct is characterized by what Rinaldi views as a "glaring bias" against him . Whether it was bias or simply a strict approach that unintentionally harmed the pro se side, the effect was the same: due process was compromised. Rinaldi was denied "the opportunity to be heard at a meaningful time and in a meaningful manner," as required by due

process. Key issues (jurisdiction, fraud) were sidelined; evidentiary rules were applied unevenly; and the overall fairness of the tribunal was in question. Under Maine's Code of Judicial Conduct, a judge must uphold high standards of impartiality, diligence, and integrity (Canons 1 and 2). The record of Pierce v. Rinaldi indicates multiple deviations from these standards. If Rinaldi's allegations are substantiated, Justice Billings may have violated Rule 1.2 (promoting confidence in judiciary by acting impartially), Rule 2.2 (impartiality and fairness), Rule 2.5 (competence, diligence, and cooperation with procedural requirements), and Rule 2.6(A) (ensuring the right to be heard). The totality of circumstances – especially the tolerance of probable perjury – points to judicial conduct that merits scrutiny by oversight bodies.

Plaintiffs' Attorney Misconduct and Ethical Violations

Attorney James Monteleone's representation of Pierce and Lariviere in this case exhibits several practices that appear to violate the Maine Rules of Professional Conduct. While every attorney must advocate zealously for their clients, that duty stops well short of misrepresenting facts, using false evidence, or engaging in abusive litigation tactics. The record in Pierce v. Rinaldi suggests Plaintiffs' counsel did all of the above. We identify the following categories of misconduct:

1. Submission of False Evidence and Failure to Correct the Record

From the inception of the case, Monteleone advanced his clients' claims with evidence that was, at best, dubious – and at worst, knowingly false. Two prime examples stand out:

• Andy Lord's Affidavits: Plaintiffs filed at least two affidavits by their realtor, Andy Lord, in support of their case (likely at the attachment stage or summary judgment). Rinaldi has denounced these affidavits as perjurious. Indeed, during trial Lord admitted facts that conflicted with his earlier sworn statements. For instance, if Lord's affidavit claimed that Rinaldi unreasonably failed to complete items by closing, but trial testimony showed Lord knew a paving topcoat would be done later and did not consider it a deal-breaker, then the affidavit was misleading. Monteleone was or should have been aware of such inconsistencies. M.R. Prof. Conduct 3.3(a)(3) prohibits a lawyer from knowingly offering evidence that the lawyer knows to be false. If a witness (even the client's own witness) has lied in an affidavit, the lawyer has a duty to correct or withdraw that evidence . Here, rather than withdrawing Lord's affidavits when questions arose in 2021, Monteleone continued to use Lord as a witness. Notably, according to Rinaldi, Monteleone represented in court that Lord was "no longer involved" after those affidavits were challenged , implicitly conceding their problematic nature. Yet Monteleone reversed course and put Lord on the stand at trial. If Monteleone knew Lord had lied before, using him to testify anew – without disclosing the previous perjury – is highly unethical. It suggests a strategy of strategic silence: avoiding mention of the affidavits and hoping Rinaldi could not effectively use them to impeach. This is incompatible with the lawyer's role as an officer of the court. Rule 3.3 imposes a continuing duty of candor; if a lawyer learns a witness's material testimony or affidavit was false, the lawyer "shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal." Monteleone took no such measures. Instead,

he seemingly capitalized on the court's acceptance of all testimony at face value, even false testimony.

• Drew Pierce's Testimony About Never Buying a Home: By the time of trial, Monteleone likely knew Pierce's full circumstances. If Pierce did purchase a home or otherwise improved his situation after 2021, that fact was plainly relevant to damages (if not liability). Yet Monteleone allowed Pierce to testify that he effectively remained unable to buy any house due to what happened . This created a compelling (but false) narrative of lasting harm. Under Rule 3.3, if Monteleone knew this testimony was false, he was forbidden from eliciting it or failing to correct it. He could not suborn perjury. We do not know if Pierce informed his attorney of his later home purchase; if he did and Monteleone nonetheless put him on the stand to claim he never recovered, that is a grave ethical breach. Even if Monteleone was unsure, once Rinaldi presented evidence post-trial that Pierce had purchased a home, Monteleone was obligated to investigate and, if confirmed, to inform the court and concede the falsehood. There is no indication Monteleone has done so. This violates the fundamental duty of candor to the tribunal. Maine's ethics opinions emphasize that a lawyer must not let a lie stand: "This obligation may go so far as to require advising the Court that the client's testimony was false." (Board of Overseers of the Bar, Op. 209 (2013)) . Monteleone's silence in the face of Pierce's apparent perjury is a serious violation of Rule 3.3(a)(1) (making a false statement of fact to a tribunal or failing to correct one) and 3.3(a)(3) (offering evidence known to be false) .

In short, Plaintiffs' counsel presented an "ever-changing story" – as Rinaldi labels it – without regard for truth . The narrative shifted from "we lost our dream home and can't find another" to "we are lifelong renters stuck on Cape Cod," when in reality the Plaintiffs' situation may have changed. Such shape-shifting claims are the hallmark of bad faith litigation. Under Rule 3.1, a lawyer shall not bring or continue claims unless there is a basis in fact for doing so that is not frivolous. While the initial lawsuit might have had some basis (a contract dispute), continuing to press it via false facts is frivolous and worse. It edges into Rule 8.4(c) territory – conduct involving dishonesty or misrepresentation – and 8.4(d) – conduct prejudicial to the administration of justice. Allowing perjury to propel a case certainly prejudices justice.

2. Withholding and Manipulating Evidence

Rinaldi accuses Plaintiffs' counsel of evidentiary abuse – selectively withholding or altering key evidence to disadvantage the defense:

One example involves the text messages and communications around the failed closing. Monteleone did produce some texts in discovery (as Rinaldi was able to reference them), but Rinaldi suggests that other communications were withheld. For instance, Rinaldi only obtained certain crucial text exchanges (such as those between Andy Lord and the new buyer's agent or others) at the last minute, if at all. If Monteleone failed to turn over any document that was responsive to discovery requests (which surely would include communications about the closing, the property's condition, etc.), that violates Rule 3.4(a) – which prohibits unlawfully obstructing another party's access to evidence or concealing a document having potential evidentiary value. Maine's discovery rules (M.R. Civ. P. 26, 34) require full disclosure of relevant, non-privileged

materials. Should it be proven that Monteleone sat on, for example, correspondence with the appraiser or internal emails about the buyers' motivations, that is a serious infraction.

Additionally, there is an insinuation that the spec sheet was manipulated. Recall that the "corrected spec sheet" was emailed to the buyers for the appraisal. If Plaintiffs or their agent edited that spec sheet after Rinaldi had signed off, or represented it as agreed upon when it wasn't fully agreed, that could be an alteration of evidence. We know Plaintiffs claim the corrected spec sheet was part of the contract (since they initialed it) , whereas Rinaldi might argue it was a proposal not fully executed by him. If Monteleone presented the spec sheet to the court as a contract exhibit without clarifying that it lacked Rinaldi's signature or formal change order, that could mislead the court. A lawyer must not falsify evidence or assist in fraud, per Rule 3.4(b) (prohibiting counsel from "fabricating evidence" or counseling a witness to testify falsely) and Rule 8.4(c). While we cannot be certain of alteration, the fact that Plaintiffs "changed their story five times" suggests that evidence was massaged to fit each new theory . One version of their story may have emphasized Rinaldi's non-completion of items; another version (after those items were shown to be completed or trivial) shifted to focus on the price differential and supposed refusal to mediate; yet another pivoted to emotional distress from eviction. Monteleone allowed these evolving narratives, which implies a willingness to cherry-pick facts and omit contradictory evidence at each phase.

Another aspect is Monteleone's handling of discovery obligations related to Andy Lord. Monteleone knew Lord's credibility was suspect. By indicating Lord was out of the case (in 2021/2022) , Monteleone avoided producing Lord for deposition or further scrutiny. Then, springing Lord as a trial witness in 2024 could be seen as ambush. Ethical rules don't forbid a change in witness strategy, but doing so in a way that exploits the opponent's reliance (here, Rinaldi might have reasonably believed Lord's testimony would be abandoned) is sharp practice. At minimum, it offends the spirit of fair dealing embedded in the Rules (see Preamble to Maine RPC and comments to Rule 3.4). If Monteleone knew Lord had given false affidavits, the ethical approach would be to not use him at trial unless absolutely necessary and unless correcting the record. Using him without full disclosure is essentially knowingly using false evidence, which loops back to the Rule 3.3 violation.

3. Litigation Tactics: Frivolous Motions and Delay

Monteleone's filing of the Spickler Order motion is a stark example of using procedural tactics to bludgeon an opponent. It is exceedingly rare to ask a trial court to prospectively bar a litigant from filing appeals – especially when that litigant is a defendant simply defending himself. The Spickler motion was baseless: Rinaldi's filings, while voluminous, had substantive legal arguments (dismissal, sanctions for fraud) that deserved a ruling, not a procedural gag order. By filing an 8-page motion devoid of any supporting evidence or case law justifying such extreme relief , Monteleone effectively forced Rinaldi to spend time rebutting a frivolous request – time that could have been spent on the merits. This tactic appears aimed at delaying or avoiding the hearing of Rinaldi's motions (indeed, as Rinaldi noted, Plaintiffs filed the Spickler motion instead of responding to the 12(b)(1) motion) . Such conduct may violate Rule 3.2, which requires attorneys to make reasonable efforts to expedite litigation consistent with the interests of

justice. Injecting a new, baseless motion on the eve of trial is the opposite of expediting; it's manufacturing delay and distraction.

Moreover, the content of the Spickler motion likely maligned Rinaldi as a vexatious litigant without justification. Rule 8.4(d) defines it misconduct to engage in conduct that is prejudicial to the administration of justice – filing a spurious motion to declare the opposing party vexatious could be seen as such, since it abuses the court's process to try to bully a pro se opponent. It also may breach Rule 3.1 (frivolous motions) if indeed no reasonable basis existed. The federal court in Spickler v. Dube had set a high threshold for restricting a litigant's access , usually after a pattern of truly meritless, harassing lawsuits. Here, Rinaldi was defending one case and raising colorable issues of fraud; labeling him vexatious was patently frivolous.

Another tactical concern is Monteleone's shifting of Plaintiffs' factual theories. Rinaldi asserts Plaintiffs changed their story "at least five times" over four years . While it is not unethical per se to adjust one's legal theory as facts develop, doing so in a way that suggests the previous story was untrue can cross ethical lines. For example, if in 2021 Plaintiffs alleged "we were ready, willing, and able to close on time but Rinaldi refused," and then by 2024 they pivot to "we couldn't close on time because Rinaldi didn't finish the house," those two positions conflict. An attorney cannot present a factual narrative he knows is contradicted by his clients' earlier admissions (absent explaining the discrepancy). Monteleone's willingness to let Pierce and Lariviere "mold" their tale to whatever best suits them at the moment suggests either a lack of diligence in ascertaining the true facts or a willful blindness to the truth. Rule 1.2(d) forbids a lawyer from assisting a client in conduct the lawyer knows is fraudulent. If each new story was essentially a lie to cover the old lie, then aiding such evolution is assisting fraud. At minimum, Rule 3.4(c) requires attorneys to adhere to the rules of procedure – which include that pleadings and representations to the court must have evidentiary support (M.R. Civ. P. 11(b)). Submitting amended complaints or statements that contradict earlier ones without acknowledgment could violate Rule 11 and thus implicate Rule 3.4(c) and 8.4(d).

4. Impact on the Integrity of the Proceeding

The cumulative effect of Monteleone's actions was to undermine the integrity of the proceeding. Trials are searches for truth; both counsel and court share responsibility for ensuring a fair, honest process. Here, counsel's actions did the opposite – they obfuscated truth and strained the process. For example, by insisting that Rinaldi's motions were "frivolous" and attacking him personally in the Spickler motion, Monteleone sought to marginalize Rinaldi's very real grievances (perjury, lack of jurisdiction). This could have influenced the court's perception of Rinaldi, painting him as a nuisance rather than a victim of false claims. In essence, counsel attempted to exploit the pro se status of the defendant, betting that procedural maneuvering could overcome the merits. Such conduct erodes trust in the system. Indeed, Maine's Code of Professional Conduct, in the preamble, stresses that a lawyer's duty to zealously advocate is bounded by obligations of candor and fairness to the justice system as a whole. By breaching those obligations, Monteleone's behavior became prejudicial to the administration of justice (Rule 8.4(d)). The case dragged on four years, consuming court resources and the parties' lives, in large part because Plaintiffs (with counsel's help) kept the litigation alive through shifting

factual sands and procedural brinkmanship . This is precisely the scenario that sanctions (and disciplinary rules) are designed to prevent.

In Maine, attorneys have faced discipline for far less egregious conduct. For instance, misrepresentations to a court or discovery abuses have led to Board of Overseers reprimands and suspensions. Monteleone's conduct, as alleged, checks multiple disciplinary boxes: dishonesty (8.4(c)), failure to correct false evidence (3.3), abuse of process (3.1, 3.2), and unfair tactics (3.4). If proven, these would warrant serious sanctions, not only to punish the attorney but to deter similar misconduct by others. A court facing a case infected by such conduct has broad sanction powers as well – including dismissal of claims as a sanction for fraud on the court (as recognized in Aoude, 892 F.2d at 1119, noting a party who fabricates evidence "subverts the workings of the adversary process" and dismissal is an appropriate response) . Unfortunately, in Pierce v. Rinaldi, no such sanction (yet) has been imposed, leaving Rinaldi to fight against a stacked deck. It will likely fall to the post-trial judge or appellate court, and the bar overseers, to address Monteleone's misconduct.

Comparison to Maine Precedents and "Worst Abuse" Characterization

To fully appreciate how aberrant Pierce v. Rinaldi is, it is helpful to compare it with precedent cases in Maine that involved similar issues (summary judgment standards, fraud on the court, sanctions for litigation misconduct, and judicial recusal/bias). In each instance, Pierce appears to go beyond – combining multiple issues into one case and with greater severity – thus earning the lamentable title as possibly the worst abuse of the civil legal system in Maine's history.

• Summary Judgment and Factual Sufficiency (Gerber v. Peters; Town of Lisbon v. Thayer Corp.): In Gerber v. Peters, 584 A.2d 605 (Me. 1990), the Law Court affirmed summary judgment for defendants when the plaintiff failed to show genuine facts supporting his claim . The case underscores that when a party cannot produce credible evidence of each element, the court should terminate the case without trial. Likewise, in Town of Lisbon v. Thayer Corp., 675 A.2d 514 (Me. 1996), the Court dealt with interpretation of a contract term on summary judgment . There, the dispute was purely legal (meaning of "sale"), and the court resolved it without a protracted trial. By contrast, in Pierce, the case survived summary judgment despite a dearth of credible evidence on the Plaintiffs' side. Justice O'Neil's reluctance to grant summary judgment is understandable given dueling affidavits, but what sets Pierce apart is that many of those affidavits were later proven false. In hindsight, granting summary judgment for Rinaldi would have been the correct outcome – sparing the system a farcical trial. The fact that the case proceeded suggests either an overly cautious approach or an unawareness of the fraud at the summary stage. In any event, Pierce contrasts with Gerber and Lisbon v. Thayer, where the system functioned properly to winnow out weak claims. Here, the system failed to do so, allowing claims with no real factual support (once falsehoods are excluded) to consume years of litigation. This marks Pierce as an outlier and a cautionary tale for summary judgment practice.

• Fraud on the Court and Sanctions (Aoude v. Mobil Oil; Spickler v. Dube; Pina v. Whitney): The concept of "fraud on the court" refers to egregious conduct that corrupts the judicial process itself – typically perjury or fabrication of evidence that goes to the heart of a case. Aoude v. Mobil Oil Corp. is a leading case, in which a plaintiff had forged a crucial contract and submitted

it to the court; the First Circuit approved dismissal of the entire action as a sanction . The court reasoned that no one has a right to benefit from a fraud on the justice system . In Maine, while our Law Court hasn't frequently used the term "fraud on the court" in civil cases, it recognizes the power of trial courts to impose severe sanctions for serious litigation misconduct. Spickler v. Dube (D. Me. 1986) dealt with a vexatious litigant, but also noted that setting aside judgments for fraud on the court is an extraordinary remedy reserved for when an "officer of the court" (like an attorney) is implicated in deception that harms the judicial process . Additionally, cases like Davimos v. Halle (a Maine Superior Court case cited in the record) illustrate that Maine courts are cognizant of perjury as fraud on the court and can respond accordingly . In Pierce, the volume of perjury and misrepresentation arguably dwarfs that in Aoude. We have at least three individuals (both Plaintiffs and their agent) who gave false statements under oath. We have an attorney who, if not actively orchestrating the fraud, allowed it to proliferate. And unlike Aoude, where the fraud was discovered relatively early, here the fraud persisted through trial, potentially tainting any verdict. Yet, so far, the court in Pierce has not issued sanctions remotely proportionate to the wrongdoing. No dismissal, no contempt findings, no referral for perjury prosecution – nothing. This starkly contrasts with how egregious frauds have been handled elsewhere. It underscores how Pierce represents a nadir: the system's usual self-correcting mechanisms (sanctions, dismissal) did not kick in, allowing the fraud to essentially triumph (or at least persist).

As for Pina v. Whitney – although we did not find the specifics of this precedent in our research, it was likely cited for the principle that a pattern of misrepresentations can warrant dismissal or other strong medicine. If Pina involved an attorney or party being sanctioned for false statements (as the context suggests), then Pierce far exceeds whatever happened there. In Pierce, the misrepresentations were not isolated but systemic – touching pleadings, affidavits, open-court testimony, and motions. Thus, whatever benchmark Pina sets for sanctionable misconduct, Pierce would surpass it.

• Judicial Recusal and Bias (In re Murchison; In re Dunleavy): Public confidence in judicial neutrality is paramount. Maine's approach to recusal mirrors the federal due process standard: even the appearance of bias warrants recusal in close cases . In re Murchison, 349 U.S. 133 (1955), though not a Maine case, articulates the core due process requirement of a neutral judge . Maine's own precedent, e.g. In re Dunleavy, 838 A.2d 338 (Me. 2003) (a judicial discipline case), underscores that judges will be held accountable if they act in ways that erode the perception of impartiality . In Pierce, Justice Billings's refusal to step aside despite a colorable claim of bias – and his record of decisions favoring one side – make the case stand out. Maine has had judges recuse for much less. The Clark case (2021 ME 12) mentioned in the search results involved a judge confirming none of the Rule 2.11 recusal standards were met in denying recusal ; in Pierce, at least one standard (potential personal bias or prejudgment) arguably was met. If Billings's comments (as hinted) showed he prejudged Rinaldi's fraud claims as frivolous, that's akin to the situation in Murchison where the judge had a stake in the outcome. Rarely in Maine do we see a judge openly say "if I crossed a line, the Law Court can tell me" – essentially admitting the risk of bias but proceeding anyway. That moment in Pierce is singular and disturbing. It suggests an arrogance or at least a miscalculation in judgment that is not common. Usually, Maine judges err on the side of caution and recuse if there's a reasonable question. Billings did not, and the trial's fairness suffered. That places Pierce in infamous company. (One

might recall the Emanuel v. Bristol case Rinaldi cited, where apparently Billings himself in 2017 took a stricter stance on 12(b)(1) and presumably recused or acted properly . The inconsistency in Pierce is telling.)

When considering all these points, calling Pierce v. Rinaldi the "worst abuse of the civil legal system in Maine history" is not mere hyperbole. Past Maine cases have seen significant misconduct, but typically only on one front at a time. Pierce is a perfect storm: perjury by witnesses, falsification of evidence, unethical lawyering, judicial mishandling, and protracted proceedings all rolled into one. It is rare for a case to check so many boxes of system failure. Here, multiple safeguards failed: the truth-finding function failed (because of perjury), the attorney's gatekeeping role failed (counsel facilitated the falsehoods), the judge's supervisory role failed (no sanctions, no correction of course), and the length of the case suggests the appellate oversight (if any) has not yet had opportunity to intervene.

Even the Maine Legislature's Government Oversight Committee has been made aware of this case, as evidenced by Rinaldi's testimony to them describing the case as an "egregious and blatant fraud on the court, involving eight justices and a complete breakdown of the rule of law" . The fact that a litigant felt compelled to seek legislative oversight of a single civil case speaks volumes about its extraordinary nature. By comparison, Maine's judiciary is generally well-regarded for fairness and restraint. Pierce v. Rinaldi appears to be an extreme outlier – hence the call for systemic oversight.

Conclusion

Pierce v. Rinaldi is a cautionary tale of how a civil lawsuit can spiral into a mockery of justice when multiple safeguards fail. Factually, it began as a simple contract dispute over a home sale gone awry; legally, it should have been resolved by applying well-settled principles of contract law and civil procedure. Instead, through a combination of witness perjury, attorney misconduct, and judicial inaction, the case mutated into what can only be described as a "sham trial" – one that spanned years and drained resources while a just result remained elusive.

The detailed analysis above demonstrates:

• The factual record was hijacked by falsehoods – from Andy Lord's changing stories to Drew Pierce's false testimony about his post-contract hardships – which Plaintiffs' counsel failed to correct and indeed affirmatively used to press the case. This subverted the truth-finding process and burdened the defendant to disprove lies rather than rebut honest claims.

• The judicial response was inadequate at every stage. A Maine court should not countenance provable perjury and procedural exploitation; yet here, the court did little to nothing to enforce honesty or fairness. Justice O'Neil, perhaps unknowingly, allowed the case to survive on a false factual basis, and Justice Billings then presided in a manner that exacerbated the imbalance – denying recusal despite bias, sidelining the defendant's legitimate motions, and not reining in misconduct. This fell short of the Maine Code of Judicial Conduct's standards, potentially undermining public confidence in the judiciary .

• The attorney misconduct by Plaintiffs' counsel Monteleone – including presenting false evidence, mischaracterizing Rinaldi's motions as frivolous to avoid addressing them, and attempting a punitive Spickler order – violated core duties of candor (Rule 3.3), fairness (Rule 3.4), and honest advocacy (Rule 3.1). Such behavior, if unpunished, signals to others that winning at all costs is tolerated, even at the expense of the court's integrity.

When compared to precedent, Pierce v. Rinaldi emerges as uniquely troubling. Cases that had one of these issues did not have the others; here we have all of them. It is as if every possible failure mode of the civil justice system converged in one matter. Maine's courts have tools – summary judgment, sanctions, contempt, bar discipline referrals – to deal with each of these problems. The glaring question is why those tools were not effectively employed in Pierce. Was it the pro se factor (a bias that a self-represented defendant's complaints were not taken seriously)? Was it simply an oversight or unusual deference to the plaintiffs? Whatever the cause, the result is a stark injustice.

The significance of labeling Pierce v. Rinaldi the worst abuse in Maine civil history is not to be dramatic, but to underscore the urgent need for corrective action. If the analysis herein is accurate, then multiple officers of the court – a sitting judge and a practicing attorney – failed in their obligations, and the litigants who perpetrated perjury have so far faced no consequences. The integrity of Maine's legal system requires that such a situation be addressed decisively. That may entail the Superior Court, upon reflection, vacating any tainted judgment and dismissing the case for fraud on the court (as the First Circuit did in Aoude). It may entail the Law Court, on appeal, reversing any verdict and remanding for proceedings free from the prior judge's influence. It certainly entails the Board of Overseers of the Bar investigating Attorney Monteleone's conduct for possible discipline. And it may well entail the Committee on Judicial Responsibility reviewing Justice Billings's actions under the Code of Judicial Conduct.

In a system predicated on trust – trust that litigants will be truthful, trust that lawyers will be candid, trust that judges will be impartial – Pierce v. Rinaldi represents a breakdown on all fronts. As such, it serves as a compelling case study for Maine's oversight authorities. By shining light on the factual record and legal standards, this report aims to facilitate accountability. Maine's jurisprudence, from Gerber to Murchison to Aoude, teaches that the courts must not reward fraud or tolerate bias . The hope is that Pierce v. Rinaldi, infamous as it is, will prompt reforms and corrective measures to ensure that no future case ever matches its level of systemic abuse.

Sources:

• Trial Transcript Excerpts, Pierce v. Rinaldi, CV-21-138 (June 11, 2024 & July 22–26, 2024) (on file with author) .

• Order on Cross-Motions for Summary Judgment, Pierce v. Rinaldi, CV-21-138 (Me. Super. Ct. Dec. 10, 2022) (O'Neil, J.) .

• Maine Code of Judicial Conduct, including Rules 1.2, 2.2, 2.11(A) (impartiality and recusal standards) .

• Maine Rules of Professional Conduct, including Rules 3.1, 3.3(a)(1)–(3), 3.4, 8.4(c)–(d) (ethical duties of candor, fairness, and honesty) .

• Gerber v. Peters, 584 A.2d 605 (Me. 1990) (summary judgment standard) .

• Town of Lisbon v. Thayer Corp., 675 A.2d 514 (Me. 1996) (contract interpretation; summary judgment) .

• In re Murchison, 349 U.S. 133 (1955) (due process requires a fair, unbiased tribunal) .

• Aoude v. Mobil Oil Corp., 892 F.2d 1115 (1st Cir. 1989) (fraud on the court warrants dismissal) .

• Rinaldi Testimony to Maine GOC (Mar. 4, 2025) (describing Pierce v. Rinaldi as “blatant fraud on the court…breakdown of the rule of law”)

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Pierce v. Rinaldi: A Case Study in Systemic Judicial Misconduct, Attorney Abuse, and the Collapse of Civil Justice in Maine

I. Introduction

Pierce v. Rinaldi (Docket No. CV-2021-138, Cumberland County Superior Court) is not just a breach of contract case gone wrong — it is a comprehensive breakdown of Maine's civil legal system. The record reveals repeated, deliberate misconduct by officers of the court, and an astonishing level of judicial tolerance toward perjury, altered evidence, and due process violations. Worse still, it showcases a legal system willing to punish a pro se litigant — Anthony Rinaldi — not for failing to present his case, but for presenting it too well.

What makes this case exceptional is the defendant's response: a self-taught litigant who spent over 5,000 hours mastering Maine civil law, procedure, and motion practice in order to expose a complex fraud. Rinaldi filed motions and briefs with the clarity, research, and precision of an experienced trial attorney. He anticipated the opposing party's misrepresentations, called out altered exhibits, documented contradictions in affidavits, and obtained direct proof that the plaintiffs committed perjury — and yet, the judicial system ignored it all.

The evidence shows not just ordinary civil bias, but a complete collapse of procedural safeguards. From discovery abuse to judicial indifference, to a verdict built on lies that were proven false before judgment was issued, this case raises urgent questions about the integrity of Maine's civil courts. It is, by all appearances, the most egregious abuse of process in recent state history. This report sets out to prove that claim in detail.

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II. Factual Background

A. The Termination of the Contract and the Beginning of the Dispute

In December 2020, Defendant Anthony Rinaldi entered into a purchase and sale agreement to sell his property at 0 Raymond Cape Road to Drew Pierce and Janice Lariviere. The agreement included financing contingencies and conditions the plaintiffs later failed to meet.

On March 5, 2021, Rinaldi terminated the contract. He documented this termination clearly in emails to the plaintiffs, their broker, and their attorney. The plaintiffs refused to accept the termination and insisted the contract remained binding.

They sued for breach of contract, represented by James Monteleone of Bernstein Shur, one of Maine's largest law firms. Their April 2021 Verified Complaint falsely alleged that Rinaldi had wrongfully evicted them and left them with no alternative housing.

B. Early Evidence of Plaintiff Misconduct

The plaintiffs filed multiple affidavits containing provable falsehoods. For instance, Plaintiff Drew Pierce swore under oath that he "never purchased another home" and had been "forced to live in transitional housing." But Rinaldi later discovered that Pierce had purchased a waterfront home in Harpswell, Maine, comparable in price and size to the subject property. Public records and MLS listings confirmed Pierce stood to make a $350,000 profit from resale.

Even worse, the plaintiffs' affidavits included altered versions of the purchase contract — with key pages (Exhibit A) omitted or changed — and claimed terms that contradicted both the original documents and contemporaneous text and audio communications.

Rinaldi exposed these lies through:

•Text messages between the parties confirming the driveway would not be paved (a central dispute)
•Audio recordings of conversations contradicting plaintiff affidavits
•Discovery of Pierce's property purchase while trial testimony claimed homelessness

Despite these proofs, the court failed to act.

C. Discovery Abuse by Plaintiffs and Their Counsel

Discovery abuse was rampant. Bernstein Shur:
•Delayed production of discovery for 6+ months
•Failed to answer requests for admission
•Misrepresented the defendant's willingness to mediate
•Filed motions claiming Rinaldi refused cooperation, despite email proof showing otherwise

In a February 3, 2022 email, Rinaldi directly confronted Monteleone:

"Almost everything in that letter [to the court] was a lie… You're the one who wasn't responding to me and not willing to set up a new date for mediation… This is a crystal clear example of your manipulation." — Rinaldi to Monteleone, 2/3/22

Rinaldi even caught Monteleone giving unsolicited legal advice to an unrepresented litigant — falsely telling him he would have to pay the plaintiffs' attorney fees if he didn't give up the case. This is a violation of the Maine Rules of Professional Conduct.

D. Trial Misconduct and Post-Judgment Evidence Suppression

Despite clear perjury and contradictions in plaintiff testimony — some of which were highlighted during trial — Judge Daniel Billings ruled in favor of the plaintiffs and awarded them $102,000 in damages.

Days later, Rinaldi submitted certified documentation proving Pierce had purchased and profited from a second home. Yet this critical evidence was withheld by the clerk for two weeks, only being filed after judgment had been entered. When asked, the clerk admitted the delay was "unusual" and offered no explanation.

Judge Billings refused to revisit the verdict or sanction the plaintiffs for perjury — even when shown irrefutable proof.