
Judicial Conduct and Procedural Fairness Report

Based on the Motion & Hearing Record in

Pierce v. Rinaldi

Prepared for Oversight Review and Legal Accountability

I. Executive Summary

The Motion & Hearing Record in *Pierce v. Rinaldi* spans over three years and involves nearly 90 docket entries across multiple judicial actors, including Justices O’Neil, Billings, Connors, Horton, and Douglas. An overwhelming pattern emerges from this record: repeated and unexplained denials of defense motions, unilateral approvals of plaintiff requests (especially enlargements and Spickler-related filings), and a consistent refusal to address or even acknowledge serious allegations of fraud and misconduct.

These patterns raise serious concerns about judicial impartiality, abuse of discretion, and violations of both the Maine Code of Judicial Conduct and basic due process rights. This report identifies key findings, trends, and potential violations that demand formal investigation and public accountability.

II. Quantitative Summary

Category	Number of Entries
Total docketed motions and hearings analyzed	87
Motions approved	~15 (17%)
Motions denied	~62 (71%)
Denials without explanation	>40
Defense motions denied	~54
Plaintiff motions approved	~13
Hearings held	4

Category	Number of Entries
Trial dates set	2 (one canceled)

III. Patterns of Concern

A. Denial Without Explanation

More than 40 defense motions—including fundamental requests such as:

- Motions to Vacate (Rule 60(b))
- Motions for Findings of Fact
- Motions for Continuance
- Motions to Dismiss (Rule 12(b)(1))
- Motions for Pretrial Conference and Discovery Hearings

—were denied without any explanation, despite being unopposed or involving jurisdictional challenges. This constitutes a violation of Canon 2 and Canon 3(B)(4) of the Maine Code of Judicial Conduct, which require judges to maintain fairness, transparency, and a record sufficient to permit appellate review.

B. Unbalanced Judicial Discretion

Justice O’Neil routinely approved plaintiff motions to enlarge discovery or deadlines—even when they failed to meet the burden under Rule 56(f)—yet denied the Defendant’s motions to reconsider those approvals. This one-sided use of discretion undermines judicial neutrality and indicates favoritism, violating Canon 1 (Uphold Integrity and Independence) and Canon 3(B)(5) (Impartiality and Absence of Bias).

C. Avoidance of Fraud Allegations

Despite extensive allegations of:

- Perjury by Plaintiff witnesses (Drew Pierce, Lord, DiBiase),
- Fabricated affidavits,
- Omitted text messages, and
- Documented misconduct by Attorney James Monteleone,

Justice O’Neil and later Justice Billings repeatedly refused to hold evidentiary hearings or enforce discovery, dismissing requests as “moot” or ignoring them altogether. This refusal to adjudicate serious fraud claims undermines the integrity of the judicial process and violates Canon 3(B)(1) (Duty to Diligently and Impartially Perform Judicial Functions).

D. Suppression of Defendant’s Due Process

Requests for jury trial, clarification of findings, or discovery enforcement were denied without hearing, while the Plaintiff was afforded procedural leniency (e.g., repeated enlargements, protection orders without burden). Notably:

- The Defendant’s name was persistently misspelled, and requests to correct the caption were denied and later used against him.
- The trial was abruptly canceled after one day without explanation.
- The Plaintiff’s Spickler Order request was granted, despite no evidentiary basis.
- The Defendant’s multiple Motions in Limine were dismissed with false assurances that they would be addressed during trial (they were not).

These actions violate Canon 2 (Promote Confidence in the Judiciary) and reflect a systemic denial of due process, as protected under both the Maine and U.S. Constitutions.

IV. Individual Judicial Conduct Analysis

Justice John O’Neil, Jr.

- Approved baseless ex parte attachments.
- Ignored Rule 56(f) standards.
- Denied dozens of Defendant motions without legal rationale.
- Failed to act on evidence of perjury and fabrication.
- Created an appearance of bias, requiring recusal under Canon 3(E).

Justice Daniel Billings

- Repeatedly denied motions for sanctions and dismissal as “moot.”
- Approved a Spickler Order request with no legal basis.

- Acknowledged bias during a recusal motion but denied it anyway.
- Allowed improper legal tactics while dismissing Defendant's arguments without review.

Justice Catherine Connors

- Denied emergency writs without explanation.
- Improperly assumed jurisdiction over interlocutory review.
- Provided no written reasoning despite clear judicial interest conflicts.

Justice Wayne Douglas and Justice Horton

- Summarily denied interlocutory appeals despite clear statutory entitlement and procedural errors below.
- Failed to correct ongoing denial of jurisdictional motions.

V. Legal and Oversight Recommendations

Based on this record, it is recommended that:

1. Formal complaints be submitted to the Maine Committee on Judicial Responsibility and Disability regarding Justices O'Neil, Billings, and Connors.
2. An OPEGA investigation be initiated into judicial case management, particularly in Cumberland County Superior Court, to assess systemic procedural failures and integrity breaches.
3. Legislative oversight committees compel testimony regarding how nearly all defense efforts to secure basic fairness were categorically suppressed.
4. Attorney discipline proceedings be pursued against James Monteleone for fraud, perjury subornation, and Rule 11 violations, as detailed in corresponding filings.

VI. Conclusion

This Motion & Hearing Record reveals one of the most lopsided, procedurally defective, and ethically compromised judicial sequences in modern Maine civil litigation history. The persistent refusal to address fraud, enforce fair procedure, or even acknowledge legitimate motions has eroded public trust and violated fundamental principles of justice. The integrity of the judiciary requires not only individual accountability but systemic reform.

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