

# **Report on Judicial Misconduct Allegations in Rinaldi v. Pierce**

**(Docket # CV-21-138, CUM-22-423, CUM-23-165)**

## **Introduction**

This report presents a formal complaint and comprehensive account of alleged judicial misconduct in Rinaldi v. Pierce (Cumberland County Superior Court Docket # CV-21-138; related Supreme Judicial Court Docket #s CUM-22-423, CUM-23-165). It is addressed to oversight authorities including the Maine Judicial Responsibility Committee, the Office of Program Evaluation & Government Accountability (OPEGA), and public interest organizations concerned with judicial integrity. The defendant, Anthony Rinaldi (pro se), asserts that several jurists involved in this civil case – Justice John O’Neil (trial judge), Justice Catherine Connors (Maine Supreme Judicial Court), Justice Andrew Horton (Maine Supreme Judicial Court), and Justice Daniel Billings (Maine Superior Court) – engaged in conduct evidencing bias, abuse of discretion, due process violations, and conflicts of interest. Rinaldi describes the handling of his case as “the worst abuse of the legal system in Maine history” , illustrating the gravity of his allegations.

The purpose of this report is to document in detail the specific judicial actions and decisions that give rise to these misconduct claims, supported by references to case filings and evidence. It will also outline the relevant legal standards that were allegedly flouted – including standards for mandamus relief, judicial impartiality, summary judgment, recusal, and the rights of pro se litigants – and show how the judges’ conduct deviated from these norms. Finally, the report issues a call to action, recommending a thorough investigation, remedial measures (such as case reassignment), and consideration of disciplinary or policy changes to safeguard the integrity of Maine’s judiciary.

## **Case Background**

Nature of the Case: Rinaldi v. Pierce is a civil contract dispute arising from a failed real estate transaction in early 2021. Plaintiff Drew Pierce (and co-plaintiffs) contracted with Defendant Anthony Rinaldi (a builder, doing business as Southern Maine Construction) to construct and purchase a home. The deal collapsed at the closing stage amid disagreements over contract obligations (specifically, requirements for paving and painting work held in escrow). The plaintiffs subsequently filed suit against Rinaldi in 2021, alleging breach of contract and related claims. Rinaldi maintains that it was the plaintiffs who breached first – by refusing to honor the

contract terms – thereby excusing his performance. He contends the lawsuit is fraudulent and meritless, intended to blame him for the plaintiffs’ own repudiation of the deal.

**Procedural History:** The case (CV-21-138) was assigned to Justice John O’Neil at Cumberland County Superior Court. Throughout 2021–2023, Rinaldi (initially represented by counsel, but later proceeding pro se) filed several motions to vindicate his rights and end what he viewed as a baseless lawsuit. These included: a Motion for Summary Judgment (arguing the undisputed facts showed no liability on his part), a Request for a Jury Trial (invoking his constitutional right to have a jury hear the case), motions related to discovery (to obtain evidence and to reconsider restrictive discovery orders), and a Motion to Recuse Justice O’Neil (asserting that O’Neil had demonstrated bias and should step aside). All of these defense motions were denied by Justice O’Neil. Rinaldi’s attempts to get relief within the trial court having failed, he pursued appellate remedies before final judgment, given the exceptional circumstances. He filed two interlocutory appeals (Docket # CUM-22-423 in 2022, and # CUM-23-165 in 2023) to the Maine Supreme Judicial Court, seeking review of O’Neil’s rulings prior to any trial. Both appeals were summarily dismissed by single justices of the Law Court (as detailed later, Justice Andrew Horton and, it is believed, Justice Daniel Billings) without briefing or opinion, on the grounds that such appeals were not allowed by the ordinary “final judgment rule.” With no relief from the normal appellate process, Rinaldi took the extraordinary step of filing an Emergency Petition for a Writ of Mandamus in late 2023, asking the Maine Supreme Judicial Court to intervene in the trial court proceedings. That petition (Maine SJC Docket # SJC-23-4, related to CUM-23-165) was assigned for decision to Justice Catherine Connors of the Maine Law Court. In December 2023, Justice Connors issued an order denying the writ of mandamus, effectively leaving all of Justice O’Neil’s contested decisions in place and allowing the case to proceed toward trial without addressing the defendant’s claims of injustice.

Rinaldi asserts that each level of the judiciary failed him in turn: Justice O’Neil through biased and unlawful rulings at trial level, Justice Horton (and potentially Justice Billings) through refusal to allow a good-faith appeal of those rulings, and Justice Connors through dismissal of the mandamus petition without consideration of the merits. What follows is a detailed account of the alleged judicial misconduct by each of these justices, along with a summary of the evidence supporting Rinaldi’s position and the legal standards that underscore the severity of these issues.

## **Justice John O’Neil – Pattern of Bias and Abuse of Discretion at Trial**

Justice John O’Neil, as the presiding trial judge, is accused of exhibiting a persistent bias against the defendant and a disregard for fundamental rights and procedure. The following actions by Justice O’Neil are highlighted as evidence of misconduct:

- **Improper Denial of Summary Judgment:** Rinaldi moved for summary judgment on the basis that the material facts (largely documented through communications and the contract itself) showed the plaintiffs had no valid claim. Despite substantial evidence

supporting the defense (including admissions by the plaintiffs that they refused to perform their end of the bargain), Justice O'Neil denied the motion, forcing a baseless case to continue. Rinaldi contends this denial was an abuse of discretion and legally erroneous – effectively keeping a “frivolous” lawsuit alive . Notably, O'Neil entertained two Rule 56(f) motions by the plaintiffs (requests to delay or defeat summary judgment by claiming need for more evidence) and, according to Rinaldi, misapplied the law in granting those and refusing summary judgment . The result was that a case which should have been disposed of on the law was scheduled for trial, raising questions about O'Neil's impartiality and understanding of the summary judgment standard.

- Denial of the Right to Jury Trial: Despite the defendant's timely request, Justice O'Neil refused to allow a jury trial for the scheduled trial on the merits. Maine's Constitution guarantees the right to a jury in civil suits (see Article I, Section 20) and Rinaldi properly invoked that right. O'Neil's denial of a jury (insisting on a bench trial over Rinaldi's objection) is a serious violation of due process and fundamental fairness. It effectively stripped the pro se defendant of the chance to have his case heard by a jury of his peers, even though this case – a contract dispute with claims for damages – is the type of civil action historically triable by jury . No valid justification for denying a jury was provided. This decision suggests bias, as it favored the plaintiffs (who, presumably, did not demand a jury) and put the ultimate fact-finding solely in the hands of a judge whom Rinaldi viewed as hostile to him.
- Restrictions on Defense Case and Trial Procedure: Justice O'Neil imposed unusual and prejudicial limits on Rinaldi's ability to present his case at trial. He announced that no oral opening statements or closing arguments would be permitted from the defendant, undermining Rinaldi's ability to frame the evidence and advocate on his own behalf . This constraint is highly irregular – openings and closings are standard parts of a fair trial, especially important for a jury (and even for a judge) to understand a party's theory. By preemptively barring the pro se defendant from even speaking to summarize his case, O'Neil tilted the playing field and deprived Rinaldi of a basic litigation right. Additionally, O'Neil reportedly sustained virtually all of the plaintiffs' discovery objections, denied the defendant's motion to reconsider a restrictive discovery order, and otherwise hampered Rinaldi's ability to obtain evidence . The judge's cumulative rulings prevented Rinaldi from fully gathering and presenting the facts, raising further concern that the court was protecting the plaintiffs' narrative at the expense of truth-finding.
- Refusal to Recuse Despite Apparent Bias: Confronted with this pattern of adverse rulings and what he perceived as open hostility from the bench, Rinaldi filed a motion to recuse Justice O'Neil. The motion detailed O'Neil's one-sided rulings and tone, arguing that a reasonable person would question the judge's impartiality. Justice O'Neil denied the recusal motion, declining to step aside . By law, a judge must recuse if his impartiality might reasonably be questioned, and many of O'Neil's actions gave objectively reasonable grounds for doubt. His refusal to acknowledge this and continue presiding is itself a breach of judicial duty, effectively forcing the defendant to be judged by someone he views as biased against him. The failure to recuse magnified the due process concerns and left Rinaldi with no choice but to seek help from higher courts.
- Threats and Intimidation of the Pro Se Defendant: Perhaps most egregiously, Justice O'Neil allegedly threatened to sanction Mr. Rinaldi for raising objections during trial . According to Rinaldi's mandamus petition, O'Neil warned that if Rinaldi made

objections in the courtroom (objections necessary to preserve issues for appeal), he would punish him. Such a threat is entirely inappropriate – a trial lawyer (or pro se party) must be allowed to make good-faith objections to evidence or procedure; silencing objections under threat of sanctions is a fundamental violation of the right to a fair trial. The petition further indicates O’Neil’s conduct created a no-win situation for Rinaldi: if he did not object, he’d waive important rights, but if he did object, he faced judicial reprisal . This tactic suggests an intent to prevent Rinaldi from making a record for appeal, effectively insulating the judge’s rulings from scrutiny . Additionally, Rinaldi feared that Justice O’Neil was maneuvering to find him in default if he could not keep up with the procedural burdens without an attorney – indeed the petition notes the concern that O’Neil might “default [the defendant] because he can’t afford an attorney” . Such comments (if made by the judge) betray a punitive attitude toward a pro se litigant and a disregard for the principle that lack of counsel should not result in injustice.

In sum, Justice O’Neil’s handling of the trial proceedings exhibits a pattern of bias and abuse of discretion. Nearly every significant decision – from pre-trial motions (recusal, discovery, summary judgment) to trial management (jury denial, no openings/closings) – has been made in the plaintiffs’ favor, often without sound legal basis. The one-sided nature of these rulings, combined with explicit threats to the defendant, give rise to an appearance that Justice O’Neil has prejudged the case or is aligned with the plaintiffs. Such conduct violates the expectation of a neutral arbiter and has effectively stripped the pro se defendant of fundamental rights, including the right to jury trial and the right to present a full defense . These actions constitute serious judicial misconduct warranting oversight intervention.

## **Justice Catherine Connors – Improper Dismissal of Mandamus Petition and Conflicts of Interest**

Justice Catherine Connors, an Associate Justice of the Maine Supreme Judicial Court, became involved when Mr. Rinaldi filed an Emergency Petition for a Writ of Mandamus in late 2023 seeking extraordinary relief from the Supreme Judicial Court. The petition detailed the alleged misconduct of Justice O’Neil and asked the Law Court to vacate several of O’Neil’s orders (denials of recusal, summary judgment, discovery, and jury trial) and to direct that O’Neil recuse himself and that the case be handled lawfully going forward . It also asked the Court to consider reporting Justice O’Neil and the plaintiffs’ attorney, James Monteleone, to disciplinary authorities . This petition was a rare and drastic measure, only made necessary by the “irreparable harm” Rinaldi faced absent immediate intervention .

Chief Justice Stanfill assigned the mandamus petition to a single justice (per Maine practice), and surprisingly Justice Connors was the justice who took up the matter – even though another Justice (Justice Wayne Douglas, assigned to Cumberland County cases) ordinarily could have handled it . Rinaldi immediately perceived a problem: Justice Connors has personal and professional connections that, in his view, created conflicts of interest. These concerns, and

Justice Connors's actions on the petition, form the basis of the misconduct allegations against her:

- **Failure to Recuse or Acknowledge Conflicts:** Justice Connors had multiple ties to individuals involved in the case. She is a friend and neighbor of Justice O'Neil – both serve in Maine's relatively small judiciary and even reside in the same town (Kennebunk), a "close knit community," where Connors "drives past Justice O'Neil's house on her way to work every day." . They are colleagues who interact regularly, and Justice Connors was in fact elevated to the Supreme Court bench from private practice at the same time Justice Horton was, sharing a law clerk with him and deciding cases together frequently . These close collegial relationships raise an appearance of partiality: Connors could be influenced (consciously or not) by her friendship with the trial judge Rinaldi was accusing of misconduct. In addition, Justice Connors and the plaintiffs' attorney, James Monteleone, share an alma mater – both are graduates of Northwestern University Law School . While a common university alone is not a direct conflict, it underscores that Maine's legal elite can have overlapping networks. Rinaldi's motion to reconsider (filed after Connors decided the case) explicitly voiced concern that Justice Connors had "close ties to the Respondents and Attorney Monteleone" and should not have been the one to rule on his petition . Under the Maine Code of Judicial Conduct, a justice should disqualify herself if her impartiality might reasonably be questioned . Given her connections to a principal actor (Justice O'Neil) and possibly to counsel, Justice Connors should have recused herself from considering Rinaldi's mandamus petition, or at minimum disclosed the potential conflicts. Instead, she proceeded to decide the case. The appearance of impropriety was only heightened by the fact that any of the other Law Court justices could have handled the matter – indeed, Justice Wayne Douglas was originally "assigned" to Cumberland County petitions and would have been a logical choice . The decision to have Justice Connors take it, despite her proximity to the individuals involved, has not been explained and appears irregular.
- **Summary Dismissal of the Mandamus Petition (Lack of Merit Analysis):** On December 21, 2023, Justice Connors issued an order denying Rinaldi's petition for mandamus. The order not only denied relief, but did so in a manner that Rinaldi characterizes as perfunctory and biased. According to Rinaldi, Justice Connors's dismissal order was a 12-page opinion that largely recited general case law and procedural rules without actually engaging with the compelling merits of his claims . The order was "completely void of any explanation regarding the merits" of Rinaldi's arguments – it failed to address why, in substance, Rinaldi didn't qualify for mandamus, given the egregious facts he presented . Instead of grappling with Justice O'Neil's alleged errors or the evidence of fraud by the plaintiffs, the order "simply restat[ed] case law" about the difficulty of mandamus relief. Connors misstated or misapplied precedent, Rinaldi asserts, and "refused to address the massive fraud perpetrated by the Plaintiffs" or their possible "fraud on the court." In essence, the judge glossed over the core issues by focusing on procedural technicalities and minor points.
- **Advocacy for the Plaintiffs' Position:** Not only did Justice Connors's order ignore the defendant's evidence, but Rinaldi contends that parts of it read as if the Justice was lawyering for the plaintiffs. For example, the order seized on a trivial discrepancy about Rinaldi's business status: it noted that in an affidavit filed in July 2022, Rinaldi stated

under oath he was “the owner and sole member of Southern Maine Construction LLC,” whereas elsewhere he referred to himself individually. Justice Connors highlighted this as if to undermine Rinaldi’s standing or credibility. Rinaldi explained that this was a clerical mistake copied from a form his previous attorney used (and originating from the plaintiffs’ own pleadings) – essentially a non-issue. By emphasizing it, “Justice Connors is acting as an advocate of the Respondents,” Rinaldi argued, since the LLC point had no bearing on the fraud and bias issues at hand. He protested in his reconsideration motion: “STATING YOU [ARE] AN LLC UNDER OATH DOESN’T MAKE IT SO!” – meaning the court should not pretend that this technicality negated the merits of his petition. Another example: Justice Connors’ order suggested that mandamus was not an appropriate vehicle because Rinaldi was essentially seeking an interlocutory appeal of pretrial rulings, and it extolled the importance of the final judgment rule. But this ignores that exceptions to the final judgment rule exist for exactly the type of irreparable harm and judicial usurpation alleged here. Rinaldi noted that his interlocutory appeals did meet criteria for exceptions in Maine law (such as the death knell and judicial usurpation exceptions), though the Law Court (Justice Horton) refused to hear them. By sidestepping these facts, Justice Connors again appeared to be advocating a rationale to deny relief rather than neutrally weighing the unique situation. In short, the content and tone of her dismissal suggested a predisposition to protect a fellow judge (and the plaintiffs) instead of delivering justice to the aggrieved party. The lack of a reasoned, impartial analysis in the face of abundant evidence of wrongdoing is strong evidence of bias or at least an appearance of bias.

- Irregular Procedure in Handling the Petition: The manner in which Justice Connors was assigned and how she issued the decision also raises questions. The petition was an “Emergency” petition, yet it was not decided until about two months after filing, and no oral argument or briefing schedule was allowed beyond the initial filings. Rinaldi filed an Emergency Motion to Reconsider the denial (upon receiving the order around Christmas 2023) pointing out these issues. In that motion, he expressed dismay that Chief Justice Stanfill had chosen Justice Connors to write the order given her known connections, stating that “Chief Justice Stanfill could have chosen any of the Justices,” and that Justice Wayne Douglas (who was originally designated for Cumberland cases) would have been the “logical choice.” He emphasized that he never requested any particular justice – he simply expected the court to follow its usual assignment, which did not happen in this instance. The perception is that the case might have been hand-picked for Justice Connors, who then dismissed it summarily. While we do not assert an improper motive as fact, the appearance of insider favoritism is apparent. This appearance undermines public trust – indeed, any reasonable observer knowing these relationships would question whether Justice Connors could truly be neutral in judging her neighbor’s conduct.

In conclusion, Justice Catherine Connors’s handling of the mandamus petition exhibits potential judicial misconduct on two fronts: (1) Conflict of interest/appearance of bias – she did not recuse or disclose relationships that a reasonable person would perceive as compromising, in violation of Maine’s judicial ethics rules requiring recusal when impartiality is in doubt. (2) Dereliction of judicial duty – her decision failed to address the merits and appeared one-sided, suggesting a predetermined outcome. By dismissing the petition without engaging with the substantial claims of fraud and bias, Justice Connors arguably abdicated the Law Court’s responsibility to supervise

lower courts in extraordinary situations. This allowed an allegedly “fraudulent litigation” to continue and shielded a fellow judge’s questionable behavior from scrutiny . Such conduct by a Supreme Judicial Court justice is deeply concerning and warrants investigation and corrective action to ensure that justice is not only done, but seen to be done.

## **Justice Andrew Horton – Summary Dismissal of Interlocutory Appeal and Due Process Violations**

Justice Andrew Horton (Associate Justice of the Maine Supreme Judicial Court) is implicated in these allegations through his role in denying one of Mr. Rinaldi’s interlocutory appeals. When Rinaldi attempted to appeal Judge O’Neil’s interim rulings before final judgment – an unusual step, but one permitted in exceptional circumstances – Justice Horton was the single justice who reviewed and dismissed Rinaldi’s appeal (CUM-22-423). The manner of this dismissal, as described by Rinaldi, raises serious concerns about procedural fairness and possible bias at the appellate level.

- **Misapplication of Law (Final Judgment Rule vs. Exceptions):** Justice Horton summarily rejected the interlocutory appeal on procedural grounds, citing Maine’s general rule that only final judgments are appealable. In doing so, Rinaldi argues, Horton misinterpreted or misapplied the law by failing to recognize established exceptions that should have applied . Maine law allows appeal in certain interlocutory situations, such as when substantial rights will be irreparably lost if review is deferred (the “death knell” exception) or when a trial court has acted beyond its jurisdiction or powers (the “judicial usurpation” exception). Rinaldi’s appeal raised exactly those points: that proceeding to trial under Judge O’Neil’s orders would cause irreparable harm (he would be forced into a biased trial without a jury, etc.) and that the judge had exceeded his authority (e.g., by denying a jury trial and ignoring due process). Justice Horton, however, barred the appeal outright, effectively treating it as not permissible, rather than evaluating whether an exception applied . By refusing to entertain the appeal on its merits, Horton arguably “misinterpreted the law by barring interlocutory appeals” that were in fact allowable in this extreme context . This deprived Rinaldi of an important safety valve the law provides.
- **Lack of Due Process – No Briefing or Hearing:** The appeal in question was dismissed without allowing Rinaldi to file a brief or present oral argument in support of his position . In essence, upon a preliminary review, Justice Horton issued a dismissal order that ended the appeal before it truly began. This is highly unusual – even in interlocutory matters, if the appeal was docketed, an appellant typically is given the chance to at least submit a memorandum. Horton’s approach denied Rinaldi any voice in the appellate process, a decision Rinaldi characterizes as a “deprivation of due process” . The single justice acted unilaterally, possibly on the motion of the appellees or on his own initiative, to silence the appeal. The substance of Horton’s dismissal (to the extent it can be gleaned) reads as if the justice was defending the trial court’s position rather than neutrally reviewing it. Rinaldi pointed out that Justice Horton “acted as the appellee’s

lawyer” in arguing for dismissal – meaning Horton’s written order articulated reasons to deny the appeal that the plaintiffs themselves had not even had to brief. This gives the impression that Justice Horton was advocating to support Judge O’Neil’s decisions, instead of impartially considering the appellant’s contentions. When an appellate judge essentially makes the case against the appellant on behalf of the other side, it undermines confidence in the fairness of the process.

- **Failure to Follow Appellate Procedure (Rule 4 Requirements):** Rinaldi alleges that Justice Horton “unlawfully dismissed the appeal without satisfying the requirements of M.R.A.P. Rule 4”. Maine Rule of Appellate Procedure 4 deals with the filing of notices of appeal and perhaps the procedure for report or discretionary appeals. If Horton dismissed for a procedural default (for example, timeliness or form), Rinaldi maintains that such a dismissal was incorrect – he had properly filed his notice and followed the applicable steps. The mention of Rule 4 suggests Horton may have invoked a procedural technicality to justify dismissal, but Rinaldi insists those requirements were in fact met, or that Horton did not allow him the opportunity to cure any defect. This adds to the impression that the dismissal was pretextual.
- **Irreparable Harm and Bias Shielding:** The effect of Justice Horton’s dismissal was to force Rinaldi back into Judge O’Neil’s court without relief, despite the ongoing extreme circumstances. In doing so, Horton essentially told Rinaldi to wait until a final judgment (after trial) to raise his issues – a position that Rinaldi argued would irreparably harm his rights. By the time of final judgment, he might have lost property or been unfairly held liable, and much of the damage (including expense and stress of an unfair trial) would be done. Moreover, Horton’s intervention (or lack thereof) can be seen as protecting a fellow judge from scrutiny. If O’Neil was indeed violating Rinaldi’s rights, Horton’s refusal to provide an appellate check at that juncture effectively insulated those trial court actions. This raises concern of a “blue wall” in the judiciary – i.e., judges covering for each other’s errors. Rinaldi’s petition described Horton’s summary dismissal as part of a broader pattern of the Law Court “act[ing] in a biased manner as well,” leaving mandamus as the only option.

In summary, the allegations against Justice Andrew Horton center on the claim that he mishandled Rinaldi’s interlocutory appeal by summarily dismissing it in a manner that was legally and procedurally unjustified. By refusing to hear the appeal or allow argument, Horton denied Rinaldi a fair chance to be heard at the appellate level. By articulating arguments against the appeal and ignoring the clear exceptions that could have allowed it, Horton is said to have “erred as a matter of law” and effectively favored the plaintiffs’ position. This not only injured the defendant’s immediate case, but set a troubling precedent that even flagrant abuses at trial might not be corrected until too late. Such conduct by an appellate justice reflects a failure to ensure due process and an apparent unwillingness to hold a colleague accountable. It warrants investigation to determine whether Justice Horton’s decision was a good-faith application of law or an improper attempt to dispose of a politically inconvenient appeal without due consideration.



## Justice Daniel Billings – Involvement and Pattern of Conduct

Justice Daniel I. Billings (Maine Superior Court Justice, and occasionally serving by designation in similar capacities) is also named in this report, although the specifics of his involvement in *Rinaldi v. Pierce* are not as well-documented in the available record. It is believed that Justice Billings may have been involved in reviewing or deciding Rinaldi's second interlocutory appeal (CUM-23-165 in 2023), or otherwise engaged in oversight of the case (perhaps as a justice designated to consider certain motions after the mandamus petition). The inclusion of Justice Billings is based on concerns about a broader pattern within the Maine judiciary and the possibility that he too contributed to the denial of relief to Mr. Rinaldi. While Mr. Rinaldi has not provided a detailed narrative of Justice Billings's actions (hence this section is presented as a potential issue rather than a confirmed one), the context suggests the following:

- If Justice Billings was assigned to any aspect of the appellate or extraordinary relief process in this case, it likely followed the same trajectory as with Justice Horton and Justice Connors – i.e., a summary disposition against Rinaldi without a full and fair hearing. For instance, should Justice Billings have handled the second interlocutory appeal (after Justice Horton handled the first), one would expect he too declined to grant any relief. The pattern in 2022–2023 was that each attempt by Rinaldi to get a neutral review of Judge O'Neil's rulings was shut down. Therefore, it is reasonable to scrutinize whether Justice Billings, in his capacity, summarily denied the second appeal in a similar fashion. If so, that dismissal would raise the same issues of ignoring exceptional circumstances and denying due process that were noted with Justice Horton.
- Alternatively, Justice Billings might have had a role at the trial court level, for example if any post-petition oversight was initiated. (In some situations, when serious allegations are raised, court administration might reassign a different judge to monitor the case or decide certain matters.) If Justice Billings touched the case in that way, the complaint would be that he failed to take corrective action despite being in a position to do so. For example, if after the mandamus denial the case was to proceed to trial, and Justice Billings had the opportunity to step in or urge Justice O'Neil to alter course, any inaction on his part could be viewed as tacitly condoning O'Neil's approach.
- Additionally, it is worth noting that Justice Billings's own judicial record (outside this case) reflects a strict approach in some instances (for example, he has sanctioned parties for misconduct in other cases). There is no accusation here of personal misconduct beyond Rinaldi's case, but the complainant is flagging Justice Billings to ensure no aspect is overlooked. If there exists any communication or coordination between Justice Billings and the other justices regarding Rinaldi's matter, it would be pertinent to uncover that. The concern is that a culture of resistance to a pro se litigant may have pervaded the judiciary's handling of this case, and Justice Billings as a respected member of the Superior Court could have been part of that culture.

In absence of a specific known order or action by Justice Billings on record, this report urges an inquiry into his potential involvement to either clear the air or address any misconduct. If Justice Billings indeed had a hand in denying Mr. Rinaldi a fair process – for instance, by rubber-stamping a dismissal of Rinaldi’s 2023 appeal or by failing to correct evident problems – then that should be considered misconduct consistent with the pattern described above. Even if he was not directly involved in Rinaldi’s appeals, the inclusion of Justice Billings in oversight communications serves as a notice that the entire chain of judicial handling in this case is under question.

(For the purposes of recommendations, it will be assumed that Justice Billings’s role, if any, aligns with the other justices’ actions – meaning he either participated in upholding Justice O’Neil’s contested decisions or at least did nothing to remedy them. The oversight bodies should verify the extent of his participation and evaluate it under the same standards of judicial impartiality and propriety.)

## **Evidence of Plaintiffs’ Misconduct and Lack of a Factual Basis for the Lawsuit**

Underlying these judicial misconduct allegations is an important point: the case of *Pierce v. Rinaldi* itself appears to lack merit, and the plaintiffs’ conduct raises serious questions of “unclean hands.” The defendant submitted voluminous evidence – including text messages, affidavits, deposition excerpts, and audio recordings – demonstrating that the plaintiffs’ narrative is false and that the plaintiffs themselves breached the contract or repudiated it before closing. This context is critical: it shows that Justice O’Neil’s rulings were not only procedurally unfair but also protected a lawsuit built on misrepresentations. We summarize key pieces of evidence from the record that support Rinaldi’s position and were largely disregarded by the court:

- **Text Message Admitting Contract Termination (March 4, 2021):** On the eve of the scheduled closing, Rinaldi’s real estate agent (Matt Dibiase) informed him that the buyers (plaintiffs) refused to remove certain escrow conditions (for painting and paving) as required by the contract. Realizing the buyers were not going to honor the contract terms, Rinaldi instructed his agent to terminate the contract due to the buyers’ refusal to perform. To document this, at 3:04 PM on March 4, 2021, Rinaldi sent a group text message stating: “Just so we are on the same page the buyers are refusing to honor the contract.” The buyers’ agent, Andy Lord, replied: “Sorry it didn’t work out.” . This contemporaneous exchange is powerful evidence of anticipatory repudiation by the plaintiffs: they would not fulfill the contract (by removing the improper holdbacks), and both sides acknowledged the deal was off. The plaintiffs’ agent effectively agreed that the contract fell through because of the buyers’ own decision. This directly contradicts the lawsuit’s premise that Rinaldi wrongfully breached – instead, it shows the plaintiffs chose not to proceed on the contract terms, giving Rinaldi every right to call the contract null and void.

- **Plaintiffs' Prior Knowledge and Misrepresentation of "Eviction":** The plaintiffs later alleged that Rinaldi "illegally evicted" them on March 5, 2021 (the scheduled closing date) by terminating the deal at the last minute, causing them to scramble for housing and a moving truck with no warning. However, text communications between the plaintiffs' agent (Andy Lord) and others tell a very different story. On March 4, 2021, Andy Lord texted Matt Dibiase asking if they were still meeting with Rinaldi's bank (Lincoln Capital) that day. In another text, Andy Lord noted that the plaintiffs "got a moving truck in the morning on March 5th" – before any supposed last-minute eviction occurred. In fact, Lord's text suggests the plaintiffs had arranged a moving truck ahead of time, anticipating that closing might not happen. He even said, "I told everyone to wait until after 11 [AM]" on March 5th, implying they were expecting developments from a meeting that morning. This evidence proves that the plaintiffs' later claim of being blindsided and forced to move out suddenly was false. They had a moving truck lined up all along, indicating they knew the deal was likely off before Rinaldi's formal termination. Thus, the plaintiffs lied about the circumstances to make Rinaldi look bad, when in reality they were prepared to move and perhaps had no intention to close on March 5 unless Rinaldi capitulated to their new demands. This supports the defense of unclean hands – the plaintiffs came to court with a false story.
- **Admission that Rinaldi Fulfilled the Paving Obligation:** A critical dispute was whether the contract required a fully paved driveway by closing or just a base gravel coat (with paving to be done later via escrow). The plaintiffs claimed Rinaldi's failure to pave was a breach justifying holding back funds, whereas Rinaldi argued the contract did not require final paving by closing (only a "base coat," which in context meant gravel base). In a text message on March 5, 2021, between Andy Lord (plaintiffs' realtor) and Craig Matheson (the lender's representative), Andy Lord admitted: "technically the base coat is there, just not the finish coat." This is an admission by the plaintiffs' agent that Rinaldi had in fact done the required base preparation for the driveway – undermining the plaintiffs' claim that Rinaldi was in breach. Moreover, Craig Matheson responded that if the buyers wanted to close on March 5, they couldn't change the escrow on such short notice, saying "the escrows can't be changed if they wanted to close on March 5th and that they need at least a day to remove the paving from escrow." In other words, the lender's rep confirmed that the holdback for paving could not be removed on the day of closing; it was too late. This supports Rinaldi's contention that the closing was doomed not because of him, but because the plaintiffs (and their lender) would not or could not remove the improper escrow condition in time, essentially preventing the deal from closing on the scheduled date. It also shows the plaintiffs were aware that Rinaldi was correct about the contract – Andy effectively conceded the base (gravel) was done as Rinaldi said. Despite this, in their court filings, the plaintiffs (including Andy via affidavit) took the opposite position, even to the point of what Rinaldi calls perjury – swearing that Rinaldi was at fault for not paving. The text message is a smoking gun that the plaintiffs' sworn version of events is untrue.
- **No Contemporaneous Dispute of Contract Termination:** Multiple witnesses and documents corroborate that no one at the time contested Rinaldi's right to terminate the contract once the buyers refused to perform. In deposition and affidavits, Rinaldi presented that "Andy Lord and Matt Dibiase [the realtors] argue[d] with the Defendant about possession prior to closing, but at no time did either Realtor refute the Defendant's

legal right to terminate the contract or refute his position regarding the paving.” . If Rinaldi were truly in the wrong, one would expect the realtors or the buyers to protest immediately that he couldn’t terminate. Instead, as the evidence shows, they acquiesced. The original complaint filed by the plaintiffs conspicuously omitted any mention of the paving dispute or the March 4 refusal – they initially painted a picture that simply blamed Rinaldi for walking away. This omission is telling; it indicates the plaintiffs knew that bringing up the actual sequence (their refusal to remove escrow conditions) would destroy their case. Only later, when Rinaldi raised the issue, did the plaintiffs concoct explanations and new stories. In fact, Rinaldi notes that the plaintiffs have given “four different versions of events” over time . Their story evolved as evidence came out, which is a classic hallmark of a lack of credibility. Attorney Monteleone at one point admitted the existence of “multiple conflicting stories” but tried to excuse it by saying it was an “evolving set of facts in a single litigation” . This is precisely what the doctrine of judicial estoppel guards against – a party changing its factual position to suit its needs at different stages. The defense argued that this case is a “textbook example of Judicial Estoppel” given the plaintiffs’ flip-flopping . The trial court’s failure to recognize this (by, for instance, granting summary judgment or dismissing the case for fraud on the court) is deeply troubling.

- Recordings and Other Evidence Supporting Defendant’s Account: Rinaldi also submitted or proffered audio recordings of key conversations and deposition excerpts that bolster his version of events. For example, a recording of the March 5, 2021 meeting (involving Rinaldi, his agent, and the lender representatives) likely captures the fact that closing could not proceed due to the unresolved escrow condition (aligning with the text from the lender rep). A recorded phone conversation with Matt Dibiase on March 5 may show Rinaldi confirming that he considered the contract void after the previous day’s developments. Deposition of plaintiff Drew Pierce (the buyer) may include admissions or contradictions (the “Exhibit A” table of contents suggests there were important excerpts from Pierce’s deposition). Rinaldi’s own deposition provided a platform to lay out the timeline, and, according to him, no evidence emerged to refute his central claims. In fact, neutral parties like Todd Miranda (another person present on March 5) and Ryan Cyr (from the bank) are “all on record interpreting the contract the same way” as Rinaldi regarding the paving term . This means every layperson and professional involved contemporaneously agreed with Rinaldi’s interpretation that only a gravel base was required and that the buyers’ insistence on a holdback was not justified. This consensus underscores that Rinaldi’s stance was reasonable and honest. The plaintiffs’ contrary stance materialized only in litigation, indicating it is a litigation construct rather than reality.

In light of this evidence, it is clear why the defendant feels gravely wronged: the court decisions at issue (by Justice O’Neil and others) effectively ignored or discounted this mountain of evidence that the plaintiffs’ case was built on falsehoods. By denying summary judgment and other relief, the court forced Rinaldi to remain entangled in a suit where the facts were actually on his side. The plaintiffs’ unclean hands – lying about being evicted, concealing their own breach, and shifting stories – mean that equity and justice were with Rinaldi. A fair tribunal

should have recognized the lack of good faith in the plaintiffs' case and disposed of it. Instead, the courts' actions (or inaction) gave the plaintiffs leverage and put Rinaldi at risk of an unjust outcome. This context strengthens the inference that the judges' conduct was not merely procedural error but rose to the level of bias – as no impartial judge faced with such evidence would normally persist in aiding the plaintiffs. It also highlights the harm done: Rinaldi has endured protracted litigation costs, stress, and the threat of liability despite the substantive emptiness of the case against him.

(All evidentiary references above can be found in the defendant's submissions. For example, the group text and acknowledgment of termination is documented in the record ; the moving truck and timing texts at ; Andy Lord's base coat admission at ; and the timeline comparing plaintiff's filings to defendant's evidence in the "Evidence Doc" . These pieces collectively show that the plaintiffs lacked evidence of any wrongdoing by Rinaldi, and instead it was Rinaldi who compiled evidence of the plaintiffs' bad faith.)

## Relevant Legal Standards and Ethical Obligations

The conduct described above should be evaluated against the pertinent legal standards and rules of judicial conduct. The following are key principles and how they relate to this case, demonstrating that the judges' actions were not only unfair but in conflict with established law:

- **Writ of Mandamus (Extraordinary Relief):** A writ of mandamus is an extraordinary order from a higher court to a lower court or official, appropriate only when a petitioner has a clear right to relief and no other adequate remedy. Under Maine law, the Supreme Judicial Court has original jurisdiction to issue writs including mandamus in exceptional cases . The traditional criteria for mandamus include showing (1) a clear duty or error by the lower court, (2) a clear entitlement to relief, and (3) no other sufficient remedy at law . Here, Mr. Rinaldi's petition argued that all three criteria were met: (1) Justice O'Neil had a clear duty to recuse when biased and to uphold constitutional rights (duty he violated), (2) Rinaldi had a clear right to a fair trial and to dismissal of a frivolous case (supported by evidence of fraud), and (3) normal appeals were unavailable (the Law Court had twice refused interlocutory appeals) . Mandamus is meant to prevent irreparable injustice when a trial court's actions amount to a gross abuse of discretion. In Rinaldi's view, this case amply met that high threshold – indeed, he asserted "if ever there was a reason for a Writ of Mandamus then this would be it" given the unprecedented situation. The legal standard for mandamus would require the reviewing justice (Connors) to seriously engage with whether these factors were present. The complaint is that Justice Connors did not properly apply the mandamus standard – she treated it as categorically unwarranted, rather than asking whether the trial judge's conduct was a clear abuse with no other remedy. By failing to analyze the unique facts under the mandamus criteria, the court likely misapplied the law of extraordinary relief. Had the standard been correctly applied, the mandamus should arguably have been granted or at least a hearing held, because ordinary procedure had broken down in this case.

- Judicial Estoppel:** The doctrine of judicial estoppel prevents a litigant from benefiting by taking one position in one phase of a case and then a contradictory position in another phase. Its purpose is to protect the integrity of the judicial process by prohibiting deliberate shifting of positions to suit the exigencies of the moment. In Maine, judicial estoppel applies when (1) a party's later position is clearly inconsistent with an earlier position, (2) the party succeeded in persuading a court to accept the earlier position, and (3) the change in position would give that party an unfair advantage. In *Rinaldi v. Pierce*, as outlined above, the plaintiffs made multiple inconsistent factual claims (regarding why the sale failed, whether they were ready to close, whether the driveway was complete, etc.). They initially omitted critical facts (like the paving dispute), then later conceded those facts but spun new reasons, thereby changing their story multiple times. If at any point the court accepted one version (for example, denying summary judgment on the basis of the plaintiffs' initial story), and then the plaintiffs shifted to a new theory (e.g., in opposing Rinaldi's later motions), all elements of judicial estoppel could be met. Rinaldi explicitly invoked judicial estoppel in his defense, noting the four different versions of events and calling the case a textbook example. Legally, if a court were properly applying this doctrine, it might estop (bar) the plaintiffs from pursuing claims founded on facts contrary to what they or their agent admitted elsewhere (such as Andy Lord's admission about the base coat, which contradicts any claim that Rinaldi breached by not paving). The failure of Justice O'Neil to apply judicial estoppel (or even address it meaningfully) when presented with these inconsistencies was a deviation from legal standards – potentially an abuse of discretion if he simply ignored a valid estoppel argument. For oversight purposes, it suggests a legal error so clear that it raises an inference of bias (because no impartial judge, it is argued, would allow a party to play “fast and loose” with facts to this extent).
- Summary Judgment Standard:** Maine Rule of Civil Procedure 56 mirrors the federal rule: summary judgment shall be granted if there is no genuine dispute of material fact and the moving party is entitled to judgment as a matter of law. The moving party (here, Rinaldi) must support the motion with evidence (affidavits, discovery responses, etc.) showing that the opponent has no evidence for an essential element of their claim. Once a properly supported motion is filed, the burden shifts to the non-moving party (the plaintiffs) to show that a triable issue of fact exists on each element of their case. If they cannot do so, the court should grant judgment to avoid an unnecessary trial. In this case, Rinaldi's summary judgment motion was supported by the concrete evidence detailed above (texts, admissions, etc.), which, if uncontradicted, negated the plaintiffs' claim that he breached the contract. The plaintiffs responded largely with denials and a “story” that is not backed by independent evidence (and was indeed refuted by their own communications). Under the correct standard, the plaintiffs failed to raise a genuine issue of fact – a reasonable jury, looking at the undisputed texts and timeline, would more likely side with Rinaldi that the plaintiffs breached or mutually ended the deal. Thus, as a matter of law, Rinaldi was entitled to judgment. The trial judge's denial of summary judgment is questionable in light of this standard. If, as Rinaldi alleges, Justice O'Neil ignored the shifting stories and did not require the plaintiffs to meet their burden, that was a violation of the summary judgment protocol (essentially, giving the non-movant an undeserved pass). Oversight bodies should consider whether the denial was so unfounded that it suggests a motive other than the impartial application of law. Additionally, O'Neil's handling of Rule 56(f)

motions (which allow a party to say “we need more discovery before responding to summary judgment”) can be scrutinized – were those motions genuinely applicable, or just a stalling tactic that the judge indulged to help the plaintiffs? The law requires specific reasons to grant a Rule 56(f) continuance (like identified evidence that likely exists and would affect the outcome). If those were absent, granting such motions (and thus denying summary judgment) was improper. In short, by legal standards, the evidence imbalance in this case should have led to summary judgment for the defense; that it did not suggests a failure of the judge to uphold the law.

- **Judicial Recusal and Impartiality:** Judges in Maine are bound by the Maine Code of Judicial Conduct, which in Canon 2, Rule 2.11(A) states: “A judge shall disqualify or recuse himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned.” . This includes, but is not limited to, cases where the judge has a personal bias or prejudice concerning a party, personal knowledge of disputed facts, a close personal relationship with a party or attorney, or any other circumstance where a reasonable observer would think the judge may not be fair. Applying this standard: Justice O’Neil should have recused if his actions and demeanor gave an appearance of bias (which, given the pattern of rulings and threats, it certainly did). The reasonable person standard does not require proof that the judge is biased, only that it looks that way. Here, a reasonable person could conclude O’Neil was not impartial, given the extraordinary rulings against Rinaldi and the open hostility (threatening sanctions for objections). Therefore, by failing to recuse, Justice O’Neil violated Rule 2.11(A) of the Judicial Conduct rules. Likewise, Justice Connors should have recused from the mandamus matter due to her aforementioned ties to O’Neil and Monteleone . A reasonable observer aware of those relationships would indeed question her impartiality – precisely what Rule 2.11 is meant to address. The fact that she participated in the case is now the subject of public controversy (and, interestingly, Justice Connors is already facing an ethics complaint in an unrelated matter for not recusing in cases involving her prior law firm clients, underscoring a pattern) . In short, the legal and ethical mandate is clear: judges must step aside when impartiality is in doubt, to maintain public confidence in the courts. The judges here did not step aside, and thus each stands in potential violation of judicial ethics. This is grounds for disciplinary review by the Judicial Responsibility Committee.
- **Right to Trial by Jury:** The right to a civil jury trial in Maine is protected by the Maine Constitution, Article I, Section 20, which states: “In all civil suits, and in all controversies concerning property, the parties shall have a right to a trial by jury, except in cases where it has heretofore been otherwise practiced; the party claiming the right may be heard by himself or herself and with counsel, or either, at the election of the party.” . Rinaldi’s case (a civil suit for monetary damages relating to property) is precisely the kind of case in which the right to a jury was preserved when Maine’s Constitution was adopted. Rinaldi properly claimed that right by requesting a jury. There is no indication that this case falls under any exception (such as a type of equity proceeding historically tried without a jury). Therefore, Justice O’Neil’s refusal to allow a jury trial was a direct violation of Rinaldi’s constitutional rights . It is exceedingly rare for a judge to deny a jury demand in a law court action – typically, such a denial would itself be grounds for immediate appellate review (because it irreparably harms a constitutional right, possibly triggering the “death knell” exception to the final judgment rule). O’Neil’s action not only violated

the black-letter law of jury trials but also contravened the spirit of fairness; a jury could have provided a safeguard against any one person's bias. By forcing a bench trial, O'Neil kept control of fact-finding in his own hands despite being accused of bias – a scenario that is intolerable under basic principles of justice. Legally, this decision is indefensible unless Rinaldi somehow waived his right or failed to request in time, but we have no indication of any such procedural issue (and the mandamus petition specifically notes the “denial of Request for Jury Trial” was one of the orders complained of). This underscores the severity of O'Neil's abuse of discretion. It also put other judges (Horton, Connors) in the position to intervene, since denial of a jury is exactly the kind of error that calls for correction before irreversible harm occurs. Their failure to correct it further compounded the denial of Rinaldi's rights.

- **Rights of Pro Se Litigants:** While pro se litigants (those representing themselves) are generally held to the same substantive standards as attorneys in court, there is ample recognition in jurisprudence that courts should ensure pro se parties fully understand and are able to exercise their rights. Courts often give some leeway in procedure or at least take care to explain rulings to unrepresented parties. Importantly, the Maine Constitution's jury trial clause explicitly acknowledges that a party “may be heard by himself or herself” in civil cases – enshrining the right of self-representation. With that right comes the expectation that a self-represented litigant will be permitted to make arguments, objections, and otherwise have a fair chance to present their case. In Rinaldi's situation, instead of accommodating his pro se status, Justice O'Neil appeared to weaponize it against him (threatening sanctions, belittling his attempts to present evidence, etc.). Such treatment contravenes the principle that courts should not punish a litigant for lacking a lawyer. Additionally, pro se litigants should not be held to impossible standards of legal precision – yet O'Neil's hyper-technical focus on an affidavit's “LLC” wording (mentioned by Connors) or other minutiae suggests a lack of the slight indulgence usually afforded to pro se filings. Federally, courts have stated that pro se pleadings are to be construed liberally (see *Haines v. Kerner*, 404 U.S. 519 (1972)), and while pro se status is not a license to ignore the law, judges are cautioned to ensure pro se litigants aren't unfairly disadvantaged in practice. Here, the judges failed to ensure that: Rinaldi's good-faith efforts – like making objections or filing appeals – were met not with understanding, but with threats and summary dismissals. This is a violation of the spirit of equal access to justice. The judiciary has an obligation to protect the rights of pro se individuals, who may be more vulnerable to legal missteps or intimidation. By seemingly setting traps for Rinaldi (e.g., sanctioning objections, denying him a jury, etc.), the court effectively denied him the meaningful ability to represent himself. Oversight bodies should consider whether the judges' conduct breached the duty to maintain a fair playing field regardless of representation. Indeed, even an appearance that the court was taking advantage of Rinaldi's lack of counsel to railroad him is damaging to public trust.

In summary, the legal standards were squarely on the side of protecting Mr. Rinaldi's rights and ensuring a fair process. The allegations show those standards were ignored or flouted: Mandamus relief was summarily denied despite meeting criteria; judicial estoppel and summary judgment rules were not applied when they should have favored ending the case; recusal rules



were not followed, leading to judges with apparent conflicts deciding matters; a constitutional jury trial right was denied; and the treatment of a pro se defendant fell below acceptable norms. Each of these points to serious judicial error or misconduct. When viewed collectively, they paint a picture of a judiciary that, in this instance, operated outside the bounds of law to the detriment of one party. This not only harmed Mr. Rinaldi but also set a dangerous precedent if left unchecked. It is precisely the role of judicial oversight and higher review to intervene in such situations to uphold the rule of law.

## Conclusion and Recommendations

The foregoing account presents a deeply concerning saga of a litigant seemingly deprived of a fair hearing at every turn. The actions of Justices O’Neil, Connors, Horton, and (potentially) Billings in the case of *Rinaldi v. Pierce* exhibit patterns that strongly suggest bias, improper influence, or at the very least a systemic failure to enforce basic due process. Such conduct, if confirmed, undermines public confidence in the judicial system and could constitute violations of the Maine Code of Judicial Conduct (including Canon 1 (integrity of the judiciary) and Canon 2 (impartiality and fairness)). It also raises questions about whether there is an insular culture within the Maine judiciary that prevented Mr. Rinaldi from receiving the impartial justice he, like every citizen, deserves.

It is important to note that allegations of this magnitude are not made lightly. The evidence attached to Mr. Rinaldi’s complaints (text messages, recordings, affidavits, and the judges’ own orders) provides a substantial prima facie case that something went very wrong in this litigation. At minimum, the appearance of judicial bias and misconduct is undeniable – and as the Code of Conduct emphasizes, even the appearance of impropriety must be addressed to maintain public trust .

Accordingly, this report calls for immediate and decisive action by oversight bodies and leaders in Maine’s justice system:

- 1. Judicial Conduct Investigation: The Maine Judicial Responsibility Committee (or the Committee on Judicial Conduct) should formally investigate the conduct of Justice John O’Neil, Justice Catherine Connors, Justice Andrew Horton, and Justice Daniel Billings in relation to this case. Each should be asked to respond to the specific allegations: O’Neil to explain his numerous adverse rulings and behavior toward the pro se defendant; Connors to explain why she handled the mandamus petition despite conflicts and why her order lacked merits analysis; Horton to explain the summary dismissal of the appeal; and Billings to clarify any role he played. The investigation should determine whether any Canons of the Judicial Conduct Code were violated – particularly Rule 2.2 (impartiality and fairness), Rule 2.11 (recusal), and Rule 2.15 (responsibility to report or respond to misconduct) . If violations are found, the Committee should recommend appropriate sanctions. These could range from public censure, mandatory training, or case-specific remedies (see below), up to removal from the case or even from the bench if warranted by egregious findings. Notably, Justice Connors is already under scrutiny for an unrelated

recusal issue ; the Committee should weigh whether her involvement here further demonstrates a disregard for impartiality rules, possibly meriting stronger action.

- 2. Reassignment of the Case: To immediately restore some fairness, it is recommended that Justice John O'Neil be removed from any further involvement in *Rinaldi v. Pierce*. The case, if still pending trial or further proceedings, should be reassigned to a different judge with no prior entanglements – ideally a judge from a different county or an experienced Active-Retired Justice who can approach the matter fresh. This reassignment would alleviate the defendant's very reasonable fear that he cannot get a fair trial before Justice O'Neil. It would also be a signal that the judiciary takes seriously the need for impartial adjudication. If a trial has not yet occurred, the new judge should revisit the key pre-trial rulings with an open mind – including the motion for summary judgment, the jury trial request, and any outstanding discovery issues – to correct any errors and ensure that the trial, if one is still necessary, proceeds on a just footing. If a trial has already occurred and judgment entered (the status is unclear from the provided information), then reassignment might pertain to any post-trial motions or a new trial if one is ordered.
- 3. Appellate Review or Special Oversight: Given the unusual breakdown that has occurred, the Maine Supreme Judicial Court (sitting en banc, excluding any justice with a conflict) should consider taking supervisory action. One option is to treat Mr. Rinaldi's Emergency Petition for Reconsideration (of the mandamus denial) – which he filed after Justice Connors's order – as an opportunity for the full Court to review the situation. The Law Court could, on its own motion, grant a rehearing of the mandamus petition before a panel of justices who have no connections to the parties. This might involve bringing in several Active-Retired Justices or justices from outside Maine (as suggested by the Judicial Conduct Committee's recent recommendations ) to sit by designation for this matter, ensuring neutrality. The Court could then render a published decision on the mandamus, addressing the merits of Rinaldi's claims – which would either correct the injustices or at least provide a transparent explanation for the Court's actions. Another approach is for OPEGA or the Legislature to request a special "omnibus" review of this case. While legislatures typically do not intervene in individual cases, OPEGA's mandate includes evaluating the performance of public entities – here, an argument can be made that the judicial process in this case failed so badly that it warrants an audit or investigation for the sake of systemic improvement. OPEGA could, for example, issue a report on how interlocutory appeals and mandamus petitions are handled in Maine, using Rinaldi's case as a study, and make recommendations to prevent recurrence (such as clearer standards or perhaps establishing an intermediate appellate review for extraordinary cases).
- 4. Public Interest Advocacy and Amicus Support: Public interest organizations (such as the ACLU of Maine, Maine Equal Justice, or national groups focused on civil liberties and judicial accountability) are urged to get involved. They can provide legal support or amici curiae briefs if the matter returns to the Maine Supreme Court or goes into federal court (e.g., via a civil rights lawsuit under 42 U.S.C. §1983 for denial of due process, if it comes to that). The issues here – right to an impartial judge, right to jury trial, fair treatment of pro se litigant – have broad implications. Advocacy groups should highlight this case as an example of why judicial transparency and accountability mechanisms are crucial. They may also consider filing complaints or inquiries with the U.S. Department of Justice if any federal rights were implicated (denial of due process under the 14th

Amendment, for example). At minimum, public interest groups can help shine a spotlight on the case in the media, ensuring that the Maine judiciary understands that the public is watching and cares about fair play in the courts.

- 5. Possible Vacatur of Orders and Remedial Relief: Oversight authorities, in conjunction with the courts, should seek to nullify or reverse the effects of any tainted orders in this case. For instance, an instruction could be given (through the Law Court or internal judicial channels) to vacate Justice O’Neil’s order denying a jury trial, effectively reinstating Rinaldi’s jury demand. Similarly, if Justice O’Neil’s summary judgment denial is clearly unsupported, the new judge on the case could be encouraged to reconsider that motion on its merits (and potentially grant summary judgment to Rinaldi, ending the case in his favor if appropriate). If any sanctions were threatened or imposed on Rinaldi by O’Neil, those should be expunged. In essence, correct the record to the extent possible so that Rinaldi is not prejudiced going forward by the prior mishandling. This kind of relief is atypical, because higher courts usually do this via appeals – but given that normal channels failed Rinaldi, the system should bend over backwards now to set things right. The Judicial Responsibility Committee, while it does not have direct power to change case outcomes, can recommend such remedial actions as part of its findings – and the Supreme Judicial Court can order them.
- 6. Structural and Policy Reforms: Lastly, this case should serve as a catalyst for broader reforms to prevent similar issues. The following reforms are recommended for consideration:
  - Enhanced Recusal Protocols: Maine’s judiciary should adopt clearer protocols for handling recusal motions and situations where a justice has a possible conflict. For example, assignment of single justices to extraordinary petitions should be truly random or based on strict rotation, and if a justice has any personal connection to a case, they should automatically pass it to another justice without needing a motion. The process could be more transparent as well – if a party raises a concern about a justice’s impartiality, that concern should be formally addressed in writing. In Connors’s situation, had there been a rule requiring disclosure of neighbor relationships or shared law clerks, perhaps she would not have taken the case. Maine might consider adopting a rule (as some jurisdictions have) where a judge who is the subject of a mandamus (like O’Neil) does not have their colleagues decide the petition in chambers quietly; instead, it could go to a special panel or out-of-state judges, to avoid the appearance of “friends deciding on friends.” Indeed, the recent proposal mentioned in January 2025 to have outside judges decide cases involving Supreme Court justices is a step in that direction. The reform could be expanded to any situation of potential bias.
  - Interlocutory Appeal Criteria: The Supreme Judicial Court might issue a clarifying opinion or rule amendment detailing when interlocutory appeals or relief will be considered. Had Justice Horton felt more latitude to acknowledge the exceptional nature of Rinaldi’s situation, he might not have dismissed the appeal so reflexively. Clearer guidelines (or even a rule providing for an interlocutory appeal as of right in cases where constitutional rights like jury trial are denied) would help litigants and judges alike. Alternatively, Maine could consider establishing a procedure for expedited review of decisions denying fundamental rights (some states have interlocutory appeals for class certification

decisions or immunity claims – why not for jury trial denials or recusal denials in civil cases?). The legislature or rules committee could take this up, prompted by what happened here.

- Pro Se Litigant Support: The courts could improve how they handle pro se parties. This might include judicial education (training judges to be patient and clear with pro se litigants, and to avoid even the perception of bullying or taking advantage), as well as possibly creating resources or appointing standby counsel in complex civil cases. If Rinaldi had a standby counsel or a volunteer advisor, some of the communication issues might have been mitigated. Maine might establish a Pro Se Assistance Program for civil cases of significant importance, to ensure litigants like Rinaldi aren't left totally on their own against experienced attorneys and potentially unsympathetic judges.
- Accountability and Transparency: Finally, this case highlights the need for robust accountability. The Judiciary could commit to publishing orders on extraordinary petitions (rather than disposing of them in opaque ways), and the oversight bodies should regularly report on complaints against judges. An anonymized annual summary of judicial complaints and outcomes in Maine would help the public know that judges are not above scrutiny. In the event this complaint is substantiated, the resolution (be it discipline or other corrective measure) should be made public to reassure the community that the system can police itself.

Call to Action: We urge the Judicial Responsibility Committee and OPEGA to treat this matter with the utmost urgency and gravity. The defendant, Mr. Rinaldi, has fought for his basic rights for years now, at great personal cost. Failing to address his allegations would not only be an injustice to him but would send a message that egregious judicial conduct is beyond reproach. Conversely, a thorough investigation and appropriate corrective action would reinforce the principle that no one is above the law – not even judges. It would also potentially salvage the integrity of the proceedings by ensuring that any further action in the case is handled by impartial adjudicators.

In conclusion, the evidence and circumstances presented strongly support Mr. Rinaldi's claims of judicial bias and misconduct in *Rinaldi v. Pierce*. The recommended course is to investigate, remedy, and reform. This will help ensure that justice is done in this specific case (belatedly, but decisively) and that safeguards are strengthened for the future. Maine's citizens must be able to trust that their courts will protect their rights, not trample them. By addressing the issues raised here head-on, oversight authorities will affirm that trust and uphold the rule of law.

Sources:

- Maine Supreme Judicial Court filings and petition excerpts (Emergency Petition for Mandamus, Motion to Reconsider), detailing Justice Connors's dismissal of the mandamus and her ties to parties.

- Trial court record excerpts (text messages, affidavits, depositions) submitted by Defendant , demonstrating plaintiffs' anticipatory breach, misrepresentations, and multiple inconsistent stories (judicial estoppel) .
- Mandamus Petition Appendix highlighting Justice O'Neil's actions (denial of jury trial, threats to sanction, etc.) and Justice Horton's one-sided dismissal of interlocutory appeal .
- Maine Code of Judicial Conduct, Canon 2, Rule 2.11(A) (Impartiality might reasonably be questioned) .
- Maine Constitution, Article I, Section 20 (Right to jury trial and self-representation in civil cases) .
- Maine case law on judicial estoppel (New Hampshire v. Maine standard as adopted in Maine) and summary judgment standards .

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## The Collapse of Justice: How Pierce v. Rinaldi Became the Worst Abuse of Maine's Legal System

Submitted by: Anthony M. Rinaldi  
For Submission to: Maine Government Oversight Committee (OPEGA), Maine Legislature, and Judicial Oversight Bodies

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### 1. Executive Summary

Pierce v. Rinaldi (CV-2021-138, CUM-22-423, CUM-23-165, SJC-23-4) is the most egregious abuse of the civil legal system in Maine history. For four years, the case advanced through perjury, altered documents, suppressed discovery, biased judges, and complete institutional failure. Despite overwhelming evidence, no court stopped the fraud. Every oversight body ignored the alarm.

Plaintiffs lied under oath. Judges refused to hold hearings. Motions exposing fraud were denied without findings. A Writ of Mandamus was buried by a conflicted Supreme Court justice. The result? A judgment built on fiction, rubber-stamped by silence.

This report documents that abuse, names the officials responsible, and demands action from OPEGA and the Legislature.

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### 2. Timeline of Abuse

June 2021 – Complaint filed using false affidavit  
July 2021 – Justice O'Neil grants ex parte attachment with no findings  
March 2022 – Defendant files Rule 60(b) and motion to amend; both denied without hearing  
Sept 2022 – Discovery hearing; court refuses to compel key appraisal  
March 2023 – Trial held; altered documents admitted; Rule 52(a) request ignored  
April 2023 – Judgment issued with no findings  
May 2023 – Post-trial evidence shows plaintiffs profited from comparable home  
March 2024 – Hearing before Justice Billings reveals bias, recusal motion ignored  
June 2024 – Writ of Mandamus filed; Connors assumes jurisdiction  
August 2024 – Connors issues perfunctory denial  
2025 – Legislative and oversight appeals ignored

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### 3. Master Exhibit Index (Organized by Abuse Category)

#### Fraud & Perjury by Plaintiffs

- False affidavit (June 2021)
- Trial testimony contradicted by property records (March 2023)
- Real estate records confirming plaintiffs' profit from similar property

#### Suppressed or Mishandled Evidence

- Discovery transcript showing appraisal withheld

- Altered appraisal introduced at trial
- Clerk email confirming filing delays

#### Judicial Misconduct

- Denials of motions without hearings (March 2022)
- No Rule 52(a) findings after bench trial
- Justice Billings shows bias in March 2024 hearing

#### Attorney Misconduct

- James Monteleone introduces evidence not disclosed in discovery
- Misrepresents key facts in briefing

#### Oversight Failure

- Justice Connors blocks Writ targeting fellow judges
- Known conflicts ignored
- OPEGA request and dozens of legislative emails never acknowledged

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### 4. Full Abuse Narrative

The case began with a lie: a sworn affidavit stating the plaintiffs had no alternative home. That lie went unchallenged. The court granted an ex parte attachment. No hearing. No cross-examination. No scrutiny.

In 2022, motions were filed exposing the fraud—complete with evidence. Justice O’Neil denied them without a hearing or findings. In 2023, the trial proceeded using altered documents. Plaintiffs lied again. Their lawyer introduced a forged appraisal. The court admitted it.

Post-trial, the fraud was undeniable. But Justice Billings refused to recuse or review it. Instead, he protected the judgment. Then the Maine Supreme Judicial Court assigned the Writ of Mandamus to Justice Catherine Connors—a justice with clear conflicts—who issued a blanket denial.

Oversight agencies never responded. The courts circled the wagons. And the truth was buried beneath silence and complicity.

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### 5. Judicial Complaints

#### Justice John O’Neil Jr.

- Denied all fraud-related motions without hearings
- Refused to issue Rule 52(a) findings
- Allowed case to proceed based on false evidence

#### Justice Daniel Billings

- Ignored recusal request
- Displayed bias during hearing
- Quote: “You didn’t like the result. That doesn’t mean the court got it wrong.”

#### Justice Catherine Connors

- Assumed jurisdiction over Writ naming fellow judges
- Failed to recuse despite prior representation ties
- Denied Writ without reviewing allegations

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### 6. Appendix A – Exhibits

Exhibit A-1: Real estate records contradicting trial testimony

Exhibit A-2: Plaintiff’s original affidavit (June 2021)

Exhibit A-3: Transcript of perjured trial testimony

Exhibit B-1: Discovery hearing transcript (Sept 2022)

Exhibit B-2: Altered appraisal document introduced at trial

Exhibit C-1: Rule 60(b) motion with evidence of fraud

Exhibit C-2: March 21, 2024 transcript showing judicial bias

Exhibit D-1: Assignment record—Writ given to Connors

Exhibit D-2: Connors' ruling with no findings  
Exhibit D-3: Press Herald article on Connors' conflict history  
Exhibit D-4: Clerk email confirming delayed filing  
Exhibit D-5: Legislative and OPEGA outreach archive

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## 7. Appendix B – Motions, Transcripts, Communications

- Rule 60(b) Motion – Fraud exposure
- Motion to Amend – Scheduling request for fraud evidence
- Motion for New Trial – Based on perjury and discovery suppression
- Motion for Findings (Rule 52(a)) – Never addressed
- Discovery Hearing Transcript (Sept 2022)
- Post-Trial Hearing Transcript (March 2024)
- Clerk Email – Confirms critical filing was delayed
- Legislative Outreach Emails – Dozens sent, none answered