

# **JUDICIAL MISCONDUCT COMPLAINT**

## **AGAINST JUSTICE DANIEL BILLINGS**

**Re: Pierce v. Rinaldi, Docket No. CV-2021-138 (Cumberland County Superior Court)**

**To: Maine Committee on Judicial Responsibility and Disability**

### **PART I: INTRODUCTION**

#### **A. Purpose of Complaint**

This complaint is submitted under the authority of the Maine Committee on Judicial Responsibility and Disability and demands a formal investigation and disciplinary action against Justice Daniel Billings of the Maine Superior Court for his willful participation in — and facilitation of — **the most egregious abuse of the judicial process in Maine’s history.**

**Justice Billings did not act out of confusion or error, but through calculated, knowing, and deceitful conduct that aided and abetted the corrupt schemes of Attorney James Monteleone of Bernstein Shur. His actions constituted a deliberate betrayal of judicial duty, obliterating the core principles of fairness, impartiality, and due process guaranteed under the United States and Maine Constitutions.**

**Justice Billings’ misconduct represents not mere negligence but intentional judicial corruption. He knowingly disregarded binding law, permitted proven perjury to stand unchallenged, silenced legitimate motions, and weaponized his authority to protect unethical attorneys while punishing a self-represented litigant who had incontrovertible evidence of fraud.**

As detailed below, Justice Billings’ **actions far exceed the gravity of prior misconduct cases in which Maine judges have faced discipline or removal.** His rulings and courtroom behavior have gravely undermined public trust in the judiciary and inflicted profound and irreparable harm on both the litigant and the integrity of Maine’s legal system.

## **B. Summary of Judicial Misconduct**

### **Justice Billings’ Misconduct**

- **Deliberately sabotaged jurisdictional review** by ignoring a valid Rule 12(b)(1) motion, fraudulently rebranding it as a Rule 12(b)(6) motion—despite his full knowledge of the critical legal distinction.
- **Weaponized a baseless “Spickler motion”**—a procedural bludgeon created solely to silence and intimidate the pro se defendant—with zero legal or factual foundation.
- **Refused to recuse himself even after admitting prejudicial bias**, a flagrant violation of Rule 2.11(A) that destroyed any pretense of impartiality.
- **Sanctioned trial by ambush**, allowing Plaintiffs to spring undisclosed evidence in open court, obliterating the Defendant’s constitutional right to due process.

- **Displayed open hostility and bias** through off-the-record remarks, interruptions, and condescension aimed squarely at the pro se litigant.
- **Shielded perjury and fraud** by ignoring post-trial evidence of false testimony, in direct violation of his duty under Rule 2.15.
- **Protected criminal misconduct** by entering judgment for admitted perjurers, refusing to reopen the case, and refusing to refer fraud to proper authorities.
- **Knowingly lied about admissibility of recordings, falsely insisting they required plaintiff participation—contradicting well-settled law.**
- **Defamed the Defendant on record**, accusing him of filing frivolous motions despite overwhelming factual and legal support.
- **Actively crippled the defense**, raising sua sponte objections, suppressing evidence, and coercing the pro se litigant not to present critical materials.
- **Treated proven liars as credible witnesses**, allowing false testimony to stand as fact while disregarding direct impeachment evidence.
- **Colluded with Attorney Monteleone** in perpetrating fraud on the court, betraying both his oath and the integrity of the judiciary.
- **Entered judgment in defiance of the record**, even after Plaintiff Drew Pierce admitted in open court that no evidence existed showing Defendant breached the contract.
- **Relied on a witness who confessed under oath—Andy Lord, who admitted he personally caused the breach by deceiving both parties—and still ruled against the Defendant.**
- **Refused to rule on Rule 52(a) and 52(b) motions**, suppressing overwhelming evidence proving Plaintiffs' entire case was fabricated.

- **Entered judgment despite total impeachment of Plaintiffs' star witnesses, Drew Pierce and Andy Lord, whose testimony collapsed under cross-examination.**
- **Ignored a Renewed Motion for Judgment as a Matter of Law**, even though it proved every Plaintiff claim was false and unsupported.
- **Buried a Motion to Reconsider and a Rule 11 Motion**, refusing to address jurisdictional defects or Plaintiffs' fraudulent filings.
- **Contradicted himself in hearings:** claiming he could not consider evidence on a 12(b)(1) motion without trial, then granting Monteleone extraordinary relief without evidence at all.
- **Stonewalled evidentiary challenges** by refusing to hear or rule on two pending motions in limine, crippling the defense.
- **Ignored five written requests for fraud hearings**, despite clear documentary and testimonial proof of perjury and fabrication.
- **Stripped the Defendant of a jury trial**, forcing him into a bench trial before a hostile and biased judge.
- **Stacked the deck through scheduling abuse**, setting trial dates during Defendant's unavailability, leaving him sleep-deprived and unable to prepare.
- **Blocked witness testimony** by denying adequate time for subpoenas and preparation.
- **Twice canceled trial proceedings midstream**, creating chaos, cost, and prejudice solely against the defense.
- **Destroyed the Defendant's right to due process** by refusing to hear multiple properly filed motions regarding fraud, perjury, and jurisdiction, leaving central issues unresolved.

- **Knowingly permitted perjured affidavits** into the record, including realtor Andy Lord's and Drew Pierce's filings, despite documentary proof they were false.
- **Ignored the Defendant's repeated warnings that Plaintiffs had concealed material evidence** (emails, text messages, updated spec sheets, appraisal documents), allowing trial to proceed on a knowingly corrupted record.
- **Sanctioned "trial by fiction,"** allowing Plaintiffs to rely on fabricated documents like the manipulated HUD/ALTA statements and the misrepresented Addendum 1, while blocking Defendant's evidence disproving them.
- **Erased the Defendant's objections** from the record by either overruling them without explanation or simply talking over the pro se litigant until the objection was silenced.
- **Openly coached Plaintiffs' counsel during trial**, filling in evidentiary gaps with his own commentary and supplying arguments Monteleone never made.
- **Forced the Defendant to litigate blind**, refusing to compel Plaintiffs to produce attachments referenced in emails, then allowing Plaintiffs to ambush the Defendant with those very materials at trial.
- **Abused scheduling authority** to exhaust the Defendant financially and physically, setting dates without input, canceling sessions without justification, and prolonging trial in a way that only benefitted the Plaintiffs.
- **Turned a blind eye to escrow fraud**, ignoring sworn evidence that Lincoln Capital and Andy Lord illegally inflated escrow amounts by \$14,000 beyond what the appraiser required.
- **Deliberately misapplied Maine law**, twisting contract principles to fit a narrative that benefitted Plaintiffs, while ignoring precedent that supported the Defendant.

- **Turned cross-examination into obstruction**, cutting off the Defendant whenever impeachment evidence was about to be exposed, while giving Plaintiffs' counsel free rein to badger and mischaracterize.
- **Allowed Plaintiffs' "expert" testimony to stand** without qualification, while holding the pro se Defendant to impossible evidentiary standards.
- **Engaged in intimidation tactics from the bench**, repeatedly threatening sanctions against the Defendant for asserting his rights, while shielding Plaintiffs' misconduct from any consequence.
- **Created an appellate trap**, refusing to rule on motions (Rule 52 findings, Rule 11 sanctions, fraud hearings) to deprive the Defendant of appealable orders.
- **Whitewashed the record for Plaintiffs**, crediting their testimony even after it was proven false by documentary exhibits and text messages.
- **Ignored clear contract termination evidence**, refusing to acknowledge Plaintiffs' anticipatory repudiation and Andy Lord's admitted deception as the true cause of the failed closing.
- **Acted as de facto co-counsel for the Plaintiffs**, guiding strategy, raising objections they never made, and ensuring their fabricated claims survived scrutiny.
- **Destroyed public trust in the judiciary**, not just through bias, but by becoming an active participant in a fraud on the court.

The cumulative effect of these acts denied the appearance and reality of impartial adjudication and reflected a judge more concerned with aiding in fraudulent conduct than with justice.

## B. Motion and Hearing Summary – Justice Billings

1.25.2024	Defendant	Letter to Court Regarding Justice O'Neil's Recusal Order	Billings
1.29.2024	Defendant	Motion to Dismiss 12(b)1	Billings
1.29.2024	Defendant	3rd Interlocutory Appeal.	Horton
2.2.2024	Plaintiff	Letter to Court Spickler Order	Billings
2.9.2024	Defendant	Letter to Court Frivolous Spickler Motion	Billings
2.9.2024	Defendant	Motion for Rule 11 Sanctions	Billings
2.20.2024	Plaintiff	9th Motion to Enlarge	Billings
2.22.2024,	Defendant	Emergency Request for Non Testimonial Hearing	Billings
2.22.2024	Defendant	Defendant's Opposition to Plt's 9th Motion to Enlarge	
3.11.2024	Plaintiff	Reply Brief	Billings
3.21.2024		HEARING Motion to Dismiss 12(b)1, Sanctions, Spickler	Billings
5.9.2024	Plaintiff	Motion for Spickler Order	Billings
5.30.2024	Defendant	Opposition to Plaintiffs Spickler Order	Billing
6.10.2024	Defendant	Motion to Recuse	Billings
6.10.2024	Defendant	Request Non testimonial Hearing	Billings
6.10.2024	Defendant	2nd Writ of Mandamus - Subject Matter Jurisdiction	Douglas
6.11.2024		TRIAL 6.11.24, 7.22.24 – 7.26.24	Billings
10.15.2024	Defendant	Letter to Court Drew Perjury	Billings
10.15.2024	Defendant	Motion for Finding Fact 52(a)	Billings
10.28.2024		Judges Trial Order and Findings of Fact	Billings
11.4.2024	Defendant	Motion for Finding Fact 52(b)	Billings

11.4.2024	Defendant	2nd Letter to Court Drew Perjury	Billings
11.12.2024	Plaintiff	Motion for Amend Trial Order	Billings
11.12.2024	Defendant	Motion for New Trial	Billings
11.12.2024	Defendant	Renewed Motion Judgement Matter of Law	Billings
11.12.2024	Defendant	Motion to Reconsider Rule 12(b)1 and Rule 11	Billings
11.25.2024	Plaintiff	Opposition to Defendants 52(b)	Billings
12.10.2024	Defendant	3rd Letter to Court Drew Perjury	Billings
5.19.2025		Judges Amended Trial Order and Findings of Fact	Billings

## PART II: JUDICIAL MISCONDUCT

### COMPLAINT AGAINST JUSTICE DANIEL

### BILLINGS

Anthony Michael Rinaldi, the self-represented defendant in *Pierce v. Rinaldi*, Docket No. CV-2021-138 (Me. Super. Ct., Cumberland Cty.), hereby submits this Complaint seeking a formal investigation and discipline of Maine Superior Court Justice Daniel Billings. This complaint is filed pursuant to the authority of the Maine Committee on Judicial Responsibility and Disability and details a pattern of egregious judicial misconduct by Justice Billings in the *Pierce v. Rinaldi* case. As described below, **Justice Billings actively aided and abetted Attorney James Monteleone in what has become the worst abuse of the legal system in Maine's history** . Far



from an isolated lapse or mere confusion, Justice Billings's actions were knowing, intentional, and deceptive, undermining the integrity of the judiciary and damaging public confidence . His conduct is **far more egregious than prior instances of judicial misconduct that have warranted discipline in this state .**

In Pierce v. Rinaldi, plaintiffs Drew Pierce and Janice Lariviere sued Mr. Rinaldi (a home builder) over a failed real estate transaction. The case dragged on for over four years and was marked by shifting stories, undisclosed evidence, and demonstrable falsehoods by the plaintiffs. **Mr. Rinaldi repeatedly raised legitimate defenses – including lack of jurisdiction (standing), fraud on the court, and other affirmative defenses – and filed motions to expose the plaintiffs' misrepresentations. Rather than ensuring a fair process, Justice Billings consistently thwarted Mr. Rinaldi's ability to defend himself, displaying overt bias in favor of the plaintiffs and their counsel. He ignored clear evidence that the case was built on falsehoods and deprived the pro se defendant of a fair trial and basic due process .**

By the time Justice Billings took over the case in early 2024 (after the prior judge recused), the record already contained serious red flags: the plaintiffs had provided no concrete evidence of breach or damages, had been caught in multiple lies, and had even changed their factual story mid-case.(See Motion for Summary Judgement, Rule 11 Sanctions and Recuse) Nonetheless, **Justice Billings proceeded to enable a one-sided and abusive litigation process. He refused to consider Mr. Rinaldi's jurisdictional challenge, entertained a baseless motion to gag Mr. Rinaldi's filings, made prejudicial statements, refused to recuse himself, and ultimately presided over a bench trial rife with procedural irregularities.** At trial, he allowed the plaintiffs to introduce surprise evidence never disclosed in discovery and openly pressured Mr.

Rinaldi (who was unrepresented) not to present critical evidence. The trial concluded with Justice Billings entering judgment for the plaintiffs despite the fact that their case **had been thoroughly debunked by the evidence.** Post-trial, when Mr. Rinaldi uncovered incontrovertible proof of perjury by the plaintiffs, Billings **willfully ignored this evidence and refused to take any corrective action, even as the fraud on the court became apparent.**

This Complaint lays out the full procedural history of the case and details Justice Billings's misconduct at each stage – pretrial, trial, and post-trial. It cites specific examples from the court record of Pierce v. Rinaldi, including motions, hearing transcripts, and orders, demonstrating how Justice Billings violated multiple Canons of the Maine Code of Judicial Conduct and fundamental due process rights. His actions show a consistent pattern of bias, hostility toward the pro se defendant, and disregard for law and truth. In short, Justice Billings's conduct in this case **betrayed his oath and the principles of impartial justice.** The Maine Code of Judicial Conduct requires judges to uphold the law impartially, to recuse in cases of bias, to ensure all parties (including self-represented litigants) have the right to be heard, and to take appropriate action when confronted with lawyer or litigant misconduct. Justice Billings failed each of these duties.

Mr. Rinaldi respectfully requests that the Committee investigate these allegations thoroughly. Given the severity of the misconduct and its corrosive effect on the justice system, the Committee should impose appropriate discipline – up to and **including removal from the bench.** Additionally, **because the facts suggest possible criminal conduct (perjury and fraud on the court) that Justice Billings chose to ignore, the Committee is asked to refer this matter to the appropriate prosecutorial authorities for further investigation and action.**

## **II. Summary of Judicial Misconduct**

Justice Billings's misconduct in *Pierce v. Rinaldi* spans the pretrial, trial, and post-trial phases.

The following is a summary of the specific unethical and biased actions taken by Justice Billings, each of which will be detailed further in this complaint:

- **Ignoring Jurisdictional Challenge:** Deliberately ignored a valid and timely Rule 12(b)(1) motion challenging the court's subject-matter jurisdiction, falsely recasting it as a Rule 12(b)(6) motion to dismiss for failure to state a claim – even though he knows the legal distinction and significance of a jurisdictional challenge . By doing so, he evaded addressing the plaintiffs' lack of standing and allowed a case with no actual controversy to proceed improperly.
- **Weaponizing a Baseless "Spickler" Injunction:** Endorsed and weaponized a baseless request for a so-called "Spickler order" (an injunction against allegedly frivolous filings) that Attorney Monteleone sought solely to silence and intimidate the pro se defendant . Justice Billings granted the plaintiffs leave to pursue this extreme remedy with no legal or factual justification – even though Maine law requires a detailed showing of a pattern of frivolous litigation before restricting a litigant's access to the courts . This Spickler motion had no evidentiary support and served only to delay and distract from the merits of the case.
- **Refusal to Recuse Despite Admitted Bias:** Refused to recuse himself after openly admitting to making prejudicial comments about Mr. Rinaldi, in blatant violation of Maine Code of Judicial Conduct Rule 2.11(A) which mandates recusal when a judge's impartiality might reasonably be questioned. Justice Billings's failure to step aside despite acknowledging bias obliterated any appearance of impartiality and gave the clear impression that he had prejudged Mr. Rinaldi unfairly.

- **Allowing Trial by Ambush** – Undisclosed Evidence: Allowed the plaintiffs to ambush Mr. Rinaldi at trial with evidence never disclosed during discovery, thereby gutting the defendant's constitutional right to a fair trial and to due process . Despite the defense's pending motions in limine seeking to exclude such undisclosed or fabricated evidence, Justice Billings willfully ignored those motions and permitted the plaintiffs to introduce materials and testimony that Mr. Rinaldi had no notice of, in direct contravention of basic trial fairness.
- **Bias and Hostility Toward Pro Se Defendant:** Repeatedly displayed open hostility, bias, and impatience toward Mr. Rinaldi throughout the proceedings. **On multiple occasions, Justice Billings made snide or derogatory off-the-record remarks and showed visible irritation with Mr. Rinaldi . He failed to treat the pro se litigant with the patience and dignity that judicial ethics require, instead adopting an adversarial posture that emboldened the plaintiffs and their counsel.**
- **Enabling Abusive Litigation Tactics:** Consistently enabled and legitimized the plaintiffs' abusive litigation tactics while penalizing the defendant's legitimate filings. **Justice Billings falsely accused Mr. Rinaldi of filing frivolous motions, despite substantial evidence and legal basis supporting the defense motions . Conversely, he overlooked the plaintiffs' repeated procedural abuses (such as serial motions to enlarge time and a litany of meritless filings by Attorney Monteleone) and even joined in these tactics by raising objections on plaintiffs' behalf sua sponte to hinder Mr. Rinaldi's case . This one-sided treatment severely crippled the defense's ability to present its case.**

- **Misrepresentation of Law to Defendant:** Knowingly misled Mr. Rinaldi regarding the admissibility of evidence. For example, Justice Billings falsely told the defendant that audio recordings would be admissible only if the plaintiff or his agent was a party to the recording – a blatant misstatement of law with no basis in the rules of evidence. This misinformation appears calculated to discourage Mr. Rinaldi from introducing lawfully obtained recordings that would have impeached the plaintiffs’ testimony. By lying about the law, Justice Billings obstructed Mr. Rinaldi’s presentation of crucial evidence.
- **Permitting Perjured Testimony as “Fact”:** Allowed a key witness – the plaintiffs’ real estate agent, Andy Lord – to testify despite clear indications that this witness had lied under oath in pretrial proceedings. Justice Billings then treated the witness’s false testimony as fact, ignoring irrefutable evidence that impeached Lord’s credibility . Even after Lord was caught in contradictions and admitted to behavior that amounted to deceiving both parties, Justice Billings refused to strike or discount the testimony. Instead, he adopted the perjurious narrative in his findings, effectively rewarding perjury.
- **Collusion in Fraud on the Court:** Actively facilitated what can only be described as a fraud on the court, in concert with Attorney Monteleone. The overall conduct of the trial – from suppressing the defense’s evidence to crediting known falsehoods – suggests that Justice Billings was not a neutral arbiter, but rather an adjunct of the plaintiffs’ strategy . He repeatedly sided with Attorney Monteleone on critical rulings without basis in fact or law, helping to orchestrate a fraudulent success for

the plaintiffs. This collusive behavior betrayed his oath and the integrity of the judiciary.

- **Improper Judgment Contrary to Evidence:** Issued a judgment for the plaintiffs that flies in the face of the evidence and admissions on the record. In fact, plaintiff Drew Pierce himself admitted in open court that he had no evidence that Mr. Rinaldi breached the contract, yet Justice Billings ruled as if a breach were proven . Likewise, the plaintiffs’ “star witness” Andy Lord admitted under oath that his own actions directly caused the failure of the real estate closing – i.e., Lord deliberately deceived both the plaintiff and defendant, which prevented the sale from consummating . These admissions negate the plaintiffs’ claims entirely, but Justice Billings ignored them, ruling in the plaintiffs’ favor with no factual support.
- **Refusal to Acknowledge or Remedy Perjury:** After trial, Mr. Rinaldi uncovered concrete evidence that the plaintiffs had committed perjury. For instance, it was discovered that plaintiff Pierce had in fact purchased a similar home in 2023 (contrary to his sworn trial testimony that he never bought another home) and even stood to profit greatly from selling that property . **This fact undercut the plaintiffs’ entire damage claim. Mr. Rinaldi promptly alerted the court and submitted evidence of this perjury, as well as five letters imploring the judge to address the fraud. Justice Billings willfully ignored the post-trial evidence of perjury, in violation of his duty under Code of Judicial Conduct Rule 2.15 to take appropriate action on lawyer or litigant misconduct . He refused to reopen the case or refer the matter for investigation, effectively shielding the perjurers and allowing a fraud on the court to stand.**

- **Failure to Correct Judgment and Findings:** Mr. Rinaldi filed proper post-trial motions – including a Motion for Findings of Fact under Rule 52(a), a Motion to Amend Findings under Rule 52(b), a Renewed Motion for Judgment as a Matter of Law (Rule 50(b)), a Motion for New Trial (Rule 59), and a Motion to Reconsider the denial of the 12(b)(1) dismissal and for Rule 11 sanctions. All of these motions were supported by overwhelming evidence that the plaintiffs’ case was built on lies and that the court lacked jurisdiction from the start. Justice Billings refused to rule on or meaningfully address these motions . He ignored the defendant’s Rule 52 motions entirely for many months, and never responded at all to the Rule 50(b) JMOL renewal or the Rule 11 sanctions motion. By doing so, he left uncorrected a trial judgment that was predicated on demonstrably false factual findings and an illegitimate legal theory. Every material fact that Justice Billings adopted from the plaintiffs was contradicted by the documentary evidence, yet he obstinately refused to amend his findings . This abdication of judicial responsibility cemented the injustice and denied Mr. Rinaldi any post-trial relief.
- **Denial of Jury Trial Right:** Deprived Mr. Rinaldi of his constitutional right to a jury trial. Despite a timely jury trial demand, Justice Billings contrived to force a bench trial before himself , stripping the defendant of a fundamental safeguard. By insisting on a bench trial in the face of a clear bias, Justice Billings ensured that he alone would be the finder of fact – effectively making himself the arbiter of a case in which he had shown partiality. This not only violated Maine Rule of Civil Procedure 38 (jury trial rights) but also the spirit of due process by denying an impartial tribunal.
- **Unfair Trial Scheduling and Treatment:** Manipulated the trial schedule in a manner that prejudiced the pro se defendant. Justice Billings set trial dates when Mr. Rinaldi was

unavailable or had unavoidable work obligations, then refused to accommodate scheduling adjustments . As a result, Mr. Rinaldi was forced to work during portions of the trial and was left exhausted, unprepared, and sleep-deprived while trying to defend his case. Furthermore, the judge denied Mr. Rinaldi adequate time to secure and subpoena key witnesses essential to his defense . This rushed and inflexible scheduling impeded the defendant's ability to present a full defense.

- **Erratic and Prejudicial Trial Management:** Demonstrated erratic trial management that harmed the defense. On two occasions, Justice Billings abruptly canceled or adjourned the trial after it had begun, without justification . After the first day of trial (June 11, 2024), he inexplicably postponed the remainder of the trial for over a month, then later interrupted the proceedings yet again. These sudden cancellations and delays caused confusion, increased expense, and severe prejudice to Mr. Rinaldi, who had to re-prepare and could not maintain the continuity of witness testimony and trial presentation. The cumulative effect was chaos that only benefited the plaintiffs (who had far greater resources and counsel) while further disadvantaging the self-represented defendant .

In summary, Justice Billings's conduct throughout this case denied both the appearance and the **reality of impartial justice** . Instead of acting as a neutral arbiter, he consistently behaved as an advocate for the plaintiffs and an antagonist toward the defendant. He ignored law and evidence, violated ethical duties, and enabled a fraudulent claim to prevail. Such conduct, detailed further below, warrants the most serious response from the Committee to protect the integrity of Maine's judicial system.

### **III. Pretrial Phase Misconduct**



## **A. Disregard of the Rule 12(b)(1) Jurisdictional Challenge**

One of the **earliest and most fundamental errors by Justice Billings was his willful refusal to address the defendant's challenge to subject-matter jurisdiction.** On January 29, 2024, immediately after Justice Billings took over the case, Mr. Rinaldi (pro se) filed a Motion to Dismiss under M.R. Civ. P. 12(b)(1) for lack of subject-matter jurisdiction (standing) . In this motion, Mr. Rinaldi argued that the plaintiffs lacked standing because their claimed damages were speculative, hypothetical, or self-inflicted – for example, the plaintiffs had not actually suffered any financial injury since they never purchased a substitute property, and any alleged increased housing costs were never realized . He detailed how the plaintiffs' breach-of-contract claim was built on false premises (such as a misrepresentation that an appraiser required an unreasonably large escrow) and that, in fact, it was the plaintiffs who anticipatorily repudiated the contract, not the defendant . In short, the motion demonstrated that the plaintiffs had no actual injury and thus the court lacked jurisdiction to even hear the case.

**Justice Billings's response was to evade and mischaracterize this motion.** Rather than treating it as a 12(b)(1) jurisdictional challenge – **which the court is obligated to resolve before proceeding to the merits** – he recast it as a Rule 12(b)(6) motion (failure to state a claim) and summarily brushed it aside . **This was not a matter of ignorance: as an experienced jurist, Justice Billings knows the critical legal distinction between a jurisdictional challenge and a merits** challenge. A 12(b)(1) motion allows (indeed, requires) the court to consider evidence beyond the pleadings to determine if it has power to hear the case, whereas a 12(b)(6) motion confines the court to the pleadings. By mislabeling the defendant's motion, Justice Billings avoided looking at the substantial evidence Mr. Rinaldi presented (affidavits, documents, etc.)

proving the absence of standing . He effectively ensured the motion's denial without proper consideration, allowing a case with no jurisdictional basis to continue in violation of law.

At the motion hearing on March 21, 2024, Justice Billings's handling of the issue was openly contradictory and revealed his bias. When Mr. Rinaldi pressed the jurisdictional issue and pointed to evidence (including sworn affidavits) supporting his motion, Justice Billings stated on the record that he "could not look at" the defendant's 12(b)(1) motion without evidence, but that the only way he could consider evidence was to conduct a full trial . This stance is legally untenable: Maine law is clear that a court faced with a jurisdictional challenge must determine its jurisdiction, even if that requires receiving evidence or holding a preliminary evidentiary hearing (and certainly without forcing a full trial on the merits before deciding jurisdiction). By claiming he couldn't rule on jurisdiction until after a trial, Justice Billings stood logic on its head – essentially saying the court would conduct a trial in a case that might not even belong in court, and only afterward decide if it had jurisdiction. This approach flouts basic jurisdictional jurisprudence and violated Rule 12(b)(1)'s purpose. It demonstrates a willful disregard of explicit requirements of the law, which itself is a violation of Code of Judicial Conduct Rule 2.2's

**command that a judge uphold the law and not repeatedly ignore clear legal requirements .**

Justice Billings's mishandling of the 12(b)(1) motion appears driven by a desire to keep the case alive for the plaintiffs at all costs. Indeed, rather than scrutinize the plaintiffs' standing, Justice Billings openly sympathized with the plaintiffs' desire to reach trial. This prejudgment of the outcome – favoring letting the case proceed despite jurisdictional defects – denied Mr. Rinaldi the impartial adjudication to which he was entitled. By refusing to dismiss or even properly address a lawsuit that lacked jurisdiction, **Justice Billings violated the defendant's due process rights (since being subjected to a trial and judgment without jurisdiction is a quintessential due process violation) and breached Canon 3 of the Judicial Conduct code (a judge must diligently decide matters that are properly before him, and conversely, must dismiss matters that are not).** His actions also contravened Maine law on standing and jurisdiction, effectively nullifying the justiciability requirements in order to favor the plaintiffs.

**WORST STILL JUSTICE BILLINGS JUSTIFICATION FOR DENYING THE DEFENDANTS 12(b)1 MOTION WAS THAT HE NEEDED TO HOLD A TRIAL IN ORDER TO HEAR ALL THE EVIDENCE BUT AT TRIAL BILLINGS ACTIVELY SUPPRESSED MOST OF THE DEFENDANTS EVIDENCE. AND EVEN WORST STILL IS THE FACT THAT THE DEFENDANTS MOTION WAS UNOPPOSED BY THE PLAINTIFFS WHICH SHOULD HAVE ENDED THE CASE BY DEFAULT**

**During the 3.21.24 12(b)1 Hearing the following exchanges occurred:**

*Justice Daniel Billings*

*Mr. Rinaldi, can you address your motion to dismiss...my take on that motion, and I'm just let you know my initial reaction, so you can address it is you're effectively arguing facts, and that's what trials are about. And they're not for a motion to dismiss. I mean motions to dismiss test the legal sufficiency of the complaint. So the plaintiff says A B and C, and the motion to dismiss is, even if a b and c are true, there would be no legal claim here...well, first you argue this jurisdictional issue, but there's no question that they argue that the claimed events occurred in the state of Maine, correct.*

***Defendant Rinaldi***

*That's correct.*

***Justice Daniel Billings***

*So why wouldn't a Maine court have jurisdiction?*

***Defendant Rinaldi 4:39***

*Because there's no injury, that's concrete or particular injury, it's all hypothetical.*

***Justice Daniel Billings 4:44***

*Well, well, the plaintiffs say otherwise. So that's a dispute of fact.*

***Defendant Rinaldi 4:51***

*Well, they're they even state hypothetically, if they purchase another house... So their allegations are, they're stating these are hypothetical injuries as stated,*

**Justice Daniel Billings 5:10**

*but you also argue that there's no jurisdiction to the court because of the plaintiffs are out of state. Litigants. Correct.*

**Defendant Rinaldi 5:15**

*No.... if you look at my arguments, it has nothing to do with out of state. I just wanted to point out that, you know, and Maine tends to protect their citizens from attacks from out of state litigants. In this case, a frivolous lawsuit from out of state litigant. I just want to point out that I'm a Maine resident, lifelong resident. I'm a coach. I'm, you know, a good contractor. And you know, this lawsuit should never been filed, and, you know, in it was filed by out of state litigant in, you know, without any basis in reality of fact. So I just want to point that out, it wasn't an argument.*

**Justice Daniel Billings 5:56**

*Well frankly, it's an inappropriate argument, because I it doesn't make any difference if the, if the it doesn't make any difference where the the the plaintiffs may live..., on the motion for sanctions, you're basically asking me to decide on motion without a trial and without any evidence without the court hearing any evidence that I mean basically that not only the plaintiff's claims are the claim the plaintiff can't prove their claims, but that they're completely frivolous and made up. How could the court make such a finding without hearing evidence first?*

**Defendant Rinaldi 7:15**

*I am that's Well, that's what I was hoping this hearing and that motion was for for them to address it. I mean, when we went for summary judgment, they failed to prove prima facia. We had a hearing. I pointed that out, and then I even after, when I got the ruling, I then filed a pretrial motion pointing out that they still failed the proof prima facia. And Justice O'Neill said, well, they get to prove it during trial, which isn't your standard. I mean, prima facie is really the basic it's been three years, and they don't have any evidence and have any witnesses. And so I understand that's a big ask. I understand you just entered this, and it's a lot for you to process, considering if this is going on,*

***Justice Daniel Billings 7:50***

*That's not even that I would have to be make, have to make factual findings. I can only make factual findings based upon evidence. Basically, your motion is asking for trial. Before the trial, why wouldn't we just have the trial? If it turns out the plaintiffs have no evidence to support their clients, the court can deal with that. But for me to find you know this conspiracy and frivolous, I mean, I have to hear evidence. Those are claims that have to be supported by by facts. The court would have to find facts before being able to make to take that action. So why wouldn't we just have a trial?*

***Defendant Rinaldi 8:35***

*So I've look at countless motions to dismiss as well as motion percentage. I mean, I read a crazy amount because my biggest fear was to file something that wasn't proper. Everything I've filed has been proper, supported by evidence, and I made sure not to file anything.*

**Justice Daniel Billings 8:52**

*Here's your thing, you know, I understand you use terms like supported by evidence. So for I mean, you know, evidence is not just your argument you understand, right?*

**Defendant Rinaldi 9:06**

*So when I filed it, I basically use other other ones as a template, and I presented all the evidence. I presented everything I needed to show you that this what, in fact, true. There's all the supporting evidence, there's all the case law. I mean, it is clear as day, and at the very least he should have to respond to it, considering, you know, he didn't meet any of the the you know, requirements for standing, and the court has very limited resources. Why should we have a trial if they can't prove standing*

**Justice Daniel Billings 9:43**

*Well one could suggest that your motions have taken up more time in judicial resources than a trial would take up. So it's hard to take your concerns about judicial resources seriously. I mean, in your. Own motion. You listed the multiple multitude of motions you have filed, I would suggest you that that is fairly unusual for litigation.*

**Defendant Rinaldi**

*so I agree this is fairly unusual. This is the worst abuse legal system in history, this lawsuit should never been filed. Should have been denied when filed, when we went to the motion dissolve hearing my lawyer at the time, they showed up with all this new evidence and a whole new story. And my lawyer pointed out to the judge, like, how am*

I supposed to respond to this? I've never seen this evidence. And he didn't respond to my lawyer, they ruled based on that new evidence. So I did file a lot of motions, but if you look at each one individually, not one of them was filed improperly, not one of them was every one. It should never have gotten this far. So like it just stinks it's used against me when the whole time, all I've been asking for is just for this to be judged on its merits, for me to have these pre trial. You know, these motions available to me, I should be able to file something and it taken serious. And you know, at no point has justice. O'Neill said that my motions were frivolous or anything like that. So when I filed them, they just get denied without any explanation. And yes, I filed a lot of motions, but if you look at each one, everyone was filed properly and for good cause. I'm not trying to waste the court's time. I'm trying to bring to the Court's attention that this is wrong on so many levels. There's so many bad contractors out there. I'm not one of them. I should this should never happen. This should never been filed, and I should never have had to wait three years to to be able to, you know, present anything to the court.

**Justice Daniel Billings 11:38**

Okay? Thank you. So Mr. Monteleone, I understand that your request was for the court to hold off on deciding these motions before or to deal with the spickler issue first, but I think it's difficult for me to do that without some consideration of the of the recent motion. So anyways, just before we move on to this particular order request and gag order request, to the extent you can give you an opportunity to respond to what I've heard about the motion to dismiss a motion for sanctions.



**Attorney Monteleone 12:21**

Thank you. Your honor. And echo the motion to dismiss, although it is, it's characterized as a subject matter jurisdictional issue, and in fact, turns on the question of contract damages. Contract damages are, are a matter of fact if the if a party's failure to perform on a contract gave rise to a hypothetical injury, a non particular, particularized injury that's not subject to standing then enforcing any contract obligation would be impossible. Ultimately, it's the Court's interpretation of the facts of the party's continent and the facts of what the actual values of the contract were in order to determine what the damages are. Those are all on the table. In fact, in this case, defendant's prior counsel had been stipulated to the amount of damages from for what this what this property was worth at the time of the breach. So that's that's already in the record and having been established to now come back three years later and say, Oh, it's hypothetical. Not only is reversing the stipulations that are on the record this case but also are wholly out of line with something that undercuts the core subject matter jurisdiction. And for that reason, there's no basis for dismissal on this motion.

**Justice Daniel Billings 13:47**

And obviously the sanctions motion goes directly at, you know, allegations of your conduct, and I I don't expect you to try to defend yourself here today, and don't really want to go into the merits, too much. But assuming you agree with me that for the court to decide that motion, the court would have to hear evidence, which, frankly, would probably be much of the evidence that would be necessary at trial.

**Attorney Monteleone 14:21**

*That's That's absolutely correct, your honor the the allegations throughout the motion for sanctions are that I personally acted frivolously to bring a bogus claim, knowing that it's bogus, and went out of my way to direct it at basically to to cause harm to Mr. Rinaldi at trial, the facts will be clear in terms of the obligations of the contract, the understanding of the parties, and which of those parties breached that obligation. What's clear, what will be clear upon review of the evidence at trial, is that there is nothing. That is, that is frivolous about this whatsoever. This is, this isn't anywhere in the ballpark of a rule 11 type of issue, yet, the ability for Mr. Rinaldi to file these kind of 2020, page motions, attacking me personally, which then get forwarded on to the board of bar overseas, to the governor's office, to essentially anyone who Mr. Rinaldi can find and say, look, it's on paper. There's this motion that that this is all true. Take my word for it. I mean, not only is it, is it unavailable for the court to act upon until the Court to hear the evidence, but also allowing these motions to proceed, rather than just letting us go to trial and demonstrate the facts that are at issue here, allows this to perpetuate into something else entirely, while Mr. Rinaldi is taking advantage of really a public forum to to attack me personally, which is frustrating.*

**Justice Daniel Billings 15:59**

*Okay, Mr. Rinaldi, and just regards to these two motions.*

**Defendant Rinaldi 16:06**

*So I've read, I mean, spent several 1000 hours studying the law and making sure I'm doing things right. And one thing that's very clear is, when you file a civil lawsuit, the court just just doesn't grant a trial. I mean, there's all these proceedings procedures to go through to make sure a trial is warranted. **He doesn't have any witnesses. He doesn't have any evidence in a recent deposition when I propose***

***Justice Daniel Billings 16:29***

*so what you just said? Yeah, I've been a judge about 12 years, and almost every civil case is resolved without the court doing any such thing. And there are a there, there can be, you know, summary judgment motion to dismiss. But the number of cases that are resolved in that way, at least in Maine state court, are a small percentage of the small percentage of the cases. And I think this may be example of a little knowledge being dangerous. If you read the case law, you know the case law tends to be matters that were appealed, matters that were resolved on legal on a legal basis. So if you were to read those appellate decisions, frankly, if you read appellate decisions at all, you can get a twisted view of what actually goes on in court, because most matters are resolved, particularly civil matters, criminal matters, too, are resolved on the facts. The party that has the burden of proof can either prove their case or not, and that's what resolves the resolve the cases. If you spend a lot of time reading appellate decisions, again, it can give you a twisted view about how most cases are resolved. And one of my former legal partners, one of his standard comments and opening statement was, when somebody files a lawsuit, there's no there's no line down at the clerk's office for good lawsuits and bad lawsuits. And nobody, you know, nobody, looks at the filing and says, oh, sorry, this*

doesn't pass muster. Those decisions are ultimately made by the fact finder being be that the judge or jury. Now, there are exceptions to that, obviously, motions for subdi judgment and so forth, but you've had that opportunity and those motions were denied.

***Defendant Rinaldi 18:40***

so I've used my first amendment right. I didn't bring any of that into the court. I didn't try to sway the court with it. I just want to be heard. Yes, I filed a summary judgment, but it was denied without any explanation. Um, the judge even acknowledged they failed to prove prima facie. I mean, it's been three years they have failed to present any evidence at all, like no witnesses. I don't understand how. I just don't get how, like, I'm filing these motions, exactly has the law states, and at the very least you should have to respond to them. The very least you think you responded to show. Yes, there is actually evidence. There is actually a case here. There are actual damages. I mean, at the very least that's I feel like it's I should I deserve that?

***Justice Daniel Billings 19:38***

Okay, thank you. So Mr. Montelione, I'll hear from you in regards to your letter concerning a request for a spicker order and gag order.

***Attorney Monteleone 19:51***

Thank you. Your honor. You know, as the Court referenced earlier, Mr. Rinaldi's motion for sanctions on page eight, I. A snapshot of the motions that have been presented to this court and the court's action, and they are some some fairly wild things

that have consumed consumed the court's time, such as the defendant's motion to amend plaintiff's complaint, such as there's been two motions for contempt, one motion for sanctions, all that are that are targeting personal conduct that is really centering on just the litigation of the map, advocacy On behalf of a client. What's most concerning is even hearing Mr. Rinaldi's words here today. What he what Mr. Rinaldi apparently seeks, is compelling me, as counsel for plaintiff to do more work and give him more information in advance of trial, rather than just allow this to go to trial. We've seen that these motions, the pending motions, have been the basis pointed to as I need more time on the trial calendar, motion for enlargement of time to reschedule the trial, because all the pending motions have haven't been resolved. We've had on the eve of trial, or just before trial in january 2020, 23 there's an interlocutory motion, and everything gets gets silent. Plaintiffs have been pushing forward for three years, trying to get this simple contract action resolved. We're eager to have trial date and very concerned about Mr. Rinaldi's demonstrated ability to file interrogatory appeal number four, or some other matter.

*Justice Daniel Billings 21:50*

*So on that point, do does the superior court have the authority to bar someone from filing an interlocutory appeal?*

*Attorney Monteleone 21:59*

Yes, absolutely, Your Honor. And I think what, what is the case law demonstrates, just like the the Superior Court has authority to bar someone from filing a new action in a

different court. And it's not an over it's not an overly burdensome restriction, because it's not a complete bar. It's it simply provides that to file anything, it needs to either be signed by an attorney or be receive leave from the court to file, in the effort to try and expedite process, the process to allow appropriate motions such as motions in limit neutral procedure, motions to be heard as part of the process, while avoiding these extraneous motions that cause delay. And what this case has experienced is undue delay. Frankly, I don't understand, I don't understand why. Because I hear, on one hand, this would all be saying that this has been gone into three years. I want to vindicate my rights, but on the other hand, insisting that some due process hook is going to must be titled, afford it to them before it, before it goes on. And I'm afraid that this could just perpetuate indefinitely, as the list of motions shown here. So demonstrate, with that in mind, the line is spickler case law, as then also enunciated in the St Clair case and traits that the court has authority to impose this reasonable restriction where a party has has where there's a detailed showing of of a pattern of abusive and frivolous violence, what we see here is exactly that. And in order to expedite this, this process, that's that is not an unreasonable imposition on Mr. Rinaldi to allow this there to come to an end through the fact

Justice Daniel Billings 24:06

what about the suggestion of a gag order? The I court can certainly understand why you and your clients may be unhappy about claims that have been made by Mr. Rinaldi suggest there may be, you know, remedies for that to the extent it is actually defamatory. But usually, when there is a gag order involved, it is concerned. There was

a concern about, you know, influencing a jury and those kind of things. And leave I have ever entered a gag order, but I was the judge on case that I took over where there had been a gag order entered previously that continued once I was presiding. And again, the concerns there, it's a criminal matter where there were significant concerns about pretrial publicity. We. Why would gag order be appropriate in a case where the matter is ultimately going to be decided by the court?

Attorney Monteleone 25:11

This case is unique, as demonstrated by Justice O'Neill's order of repeal, in which justice O'Neill acknowledges that Justice O'Neill has never before allowed a litigants conduct to affect his the court's handling of of a matter. In this case, representations made by by Mr. Rinaldi in a public forum repeatedly characterizing the court as as lying, characterizing that the court system is as fraudulent, casting this version upon this proper judicial process undercuts the administration of justice. Now indeed, this is a bench problem. The standard that is that's often applied about influencing a jury pool are are not at issue. However, this also is not a anticipatory restriction, merely. It's a restriction. What's being requested is a restriction that's focusing on behavior that has already happened, in other words, addressing the comments that Mr. Rinaldi has posted online in the past that's available today to see and review and prevent those from continuing as the court attempts to administrate this matter. The concern being is that court staff, on one occasion, because of Mr. Rinaldi comments and handling of public communications, have felt the need to step back and have nothing to do with this case. Now, Mike, the concern that's being expressed is that if that continues, that

can happen again where we have another round of court staff that feels uncomfortable or threatened by Mr. Rinaldi and can't pursue the case, and then we go back to the waiting list, and being three years in, our focus is the risks of continuing the way, and I think that that's a core issue that makes this distinguishable from merely influencing majority.

**Justice Daniel Billings 27:33**

Okay, thank you. Mr. Rinaldi gives you an opportunity to be heard on the request to allow the plaintiffs to file a motion for Stickler order and or a gag order

**Defendant Rinaldi 27:45**

I didn't see today going this way. And I mean, I mean, honestly, it just had a loss of words. I mean, once again, just dancing around the issue. He if my motions are frivolous, why did it take him three years to call them frivolous? Why wouldn't he call them frivolous So I justice O'Neill made that statement. I don't agree with that statement. A court staff found this website. I never brought the website to the Court's attention. I'm exercising my first amendment right exactly how the founders of the Constitution intended the founders of the Constitution would be proud that I'm standing up for my rights, and proud that I'm saying this is wrong because it is wrong. What he's doing is wrong. He knows better. He still doesn't present any evidence. He just says that my actions are bad, but he doesn't say how. He doesn't say anything I've done wrong. I've acted professional. I've literally studied the law. I've tried to do everything by the book. my intentions have only been good, and if you go on my



website, it's just stating the facts, the same facts that are in the record. So he stands up and says, I'm delaying, and I don't want to this whole entire time when I took over and I tried to get a hold of that like my lawyer, I couldn't afford my lawyer anymore. January 28 is when discovery ended. In July is when my lawyer removed himself, and I'm emailing them, emailing them, and then I'm responding, what is going on. He waits to the day the discovery ended, and then writes the court and says that that I can't, you can't get a hold of me, when the opposite was true. They literally delayed for six months and then told the court that they can't get a hold of me, which was with was a lie, and so I call him out and, he immediately removes it, and then he's filed nine motions to enlarge, and I'm not scared to go to trial. I keep asking to get in front of the court to discuss this fraud, to discuss their actions, to discuss the evidence, and I've been denied every turn. So they're the ones who, when I email them and present them with additional evidence over and over again that refused to address it. When I have a discovery meeting with him, he refuses to. He just says I mischaracterized. I don't agree with the characterization. I don't agree with the characterization. Never I am literally this the date that closing fell through. I stated four times I have the legal right to walk. I mean, I stated over and over. Were over again, so there was no question, so nobody could say you breached. I mean, I went over the top because I just had this bad feeling. I recorded everything, documented everything, and so it's just insane to think that I'm the one delaying, I'm the one who's stopping this in they're ready to go to trial. They're ready to go trial with no evidence and no witnesses. I mean, it's kind of confusing that they argue that, but yet it stands up. It doesn't present one reason that one actual action I've done that's frivolous or fraudulent or harassing. I'm just stating

*facts. I have the right to say you're committing fraud. I have the right to say what you're doing is frivolous, and I'm not saying it in any way. I'm not swearing, I'm not yelling at them, I'm not acting inappropriate. I'm exercising my constitutional rights here, and I have the right to this trial. I honestly thought today that finally have to show some evidence, and might show that they don't have it.*

*Justice Daniel Billings 30:53*

*See that's what a trial is about. A trial is when you present evidence, when people bring in witnesses, they're sworn to tell the truth, they testify before the fact finder. They're subject to cross examination, and the court decides whether whether the the evidence is persuasive or not, whether it believes the evidence, and then ultimately determines whether the party with the burden of proof has met his birth. I mean, that's what a trial is about.*

*Defendant Rinaldi 31:22*

*I understand that, but this is a pre trial conference, slash status conference, correct?*

*Yeah, at a pre trial conference, don't both sides kind of give you, you know, right out of their case. Just make sure it's it's bad,*

*Justice Daniel Billings 31:34*

*No no So even if I agreed with you entirely, like, no, that's not how it works. The evidence is presented at trial. There's not, I can't I have no authority to say, plaintiff, it seems like you have a really weak case. So we're not going to have a trial. That's that's*

not the role of the core that people you talk about constitutional rights. One of the constitutional rights is the open court doc doctrine, where, you know, assuming people can overcome motions to dismiss and motions for summary judgment, which is what has occurred in this case, they have a right to a trial. Now, what happens at the trial? You know, who knows? But that's what, that's where the court considers evidence.

*Defendant Rinaldi 32:21*

So I filed a motion to dismiss based on the fact that they failed, standing on all three accounts, causation, injury, particular injury and redress ability, they failed on all accounts. I mean, they legitimately, miserably failed. And if I if that motion was frivolous, why wouldn't he point out what I said, that was the list like he's saying, Oh, I don't

*Justice Daniel Billings 32:44*

First motions to dismissed. That have merits are usually brought. Frankly, they're usually brought before an answer is even filed, because if the if the complaint doesn't state a legal claim, usually that is litigated at the beginning of the case, not three years later,

*Defendant Rinaldi 33:06*

I understand that I I wish I had noticed that this one was available to me. When I noticed it, I literally laughed and said, Wow, I could have filed this three years ago. But this motion puts puts the burden on him, not me. For the first time, it puts the burden

on him with a 12(b)1 the burden is completely on him. And yes, I could have filed before, but there's no timeline for you can file those during trial. You can file those the day before trial, and he should have to respond to that and explain how the court has jurisdiction.

*Justice Daniel Billings 33:39*

Well, it looks a little different. And I just counted again. This may not even be a complete list, but I just counted on page eight, nine of your motion. I mean, when it's in context of 46 separate motions filed by you, it takes a different it looks different than when someone files a motion to dismiss at the beginning of the case, beginning of the case. Challenging this challenging something like standing or the sufficiency of the complaint.

*Defendant Rinaldi 34:12*

So I get 46 motions. But how can it be use against me? If he can't point out one of those motions that was frivolous, not one is

*Justice Daniel Billings 34:21*

I just pointed out one, one he's pointed out, which is, I mean, your interlocutory appeal was, was, like how, I mean, it was summery denied without requiring the other party to respond. That would

*Defendant Rinaldi 34:38*

that doesn't mean it's frivolous, though, at the very least, it's been three years, at the very least, he should have to respond to those motions. I don't see how this. I'm sorry. I'm this is just made me 1000 times more upset. And just, I just losing faith in the legal system because I just don't understand, like I'm really trying. To do everything by the book, I'm trying to do everything, right?

Justice Daniel Billings 35:02

Well, it seems like you're doing everything to avoid a trial.

Defendant Rinaldi

I know I'm not scared of trial. They just kept threatening to default me because I'm an LLC, even though I'm not, I'm not an LLC. I never claimed to be, and they just kept threatening to default me for that. That's what scared me. I didn't want to I didn't want to get defaulted. I've never been scared of evidence. I'm proud of the evidence. I'm proud that I'm telling the truth, and the facts are clear, like I've never shied away from talking. I've never shied away from anything. It literally sent them a gazillion emails trying to to to work with good faith, you know? So trials, I'm not scared of at all. I mean, I go to trial right now. I know this evidence really well, and I'm telling the truth. So the only reason it wasn't that I wasn't trying to avoid it. I was trying to bring the course attention. This is kind of crazy that we've been talking about trial when they told four or five stories, and I deposed the plaintiff, the only one left, and he says he doesn't know why the closing fell through. And he said, I don't remember to almost every question I asked. So the plaintiff who again brought the lawsuit couldn't answer

any questions. It doesn't know why the closing fell through. They have no witnesses. They have no evidence. Like this isn't even a lawsuit, because you have to have evidence to have a lawsuit. Like, I just don't get one out. Like this isn't the court isn't offended by their behavior.

*Justice Daniel Billings 36:16*

Okay, thank you. Mister Monteleone anything else in the request, in regards to your request to have leave, to file your motions,

*Attorney Monteleone 36:32*

no, nothing. Nothing further.

*Justice Daniel Billings 36:37*

Okay, I first in regards to the plaintiff request for leave to file motions. I'm going to grant the plaintiff leave to file a motion for spickler order. I'm going to deny the request for the I'm going to deny the request for leave to file for a gag order. I understand the concerns that are raised in the letter have been raised today. But given the this is not a jury trial, and given the competing interests here and the fact that you know Mr Monteleone and others who might believe they were damaged by Mister rinaldi's conduct, have other remedies, or other Ways to seek remedies outside of this action the a gag order which attempts to control the actions and statements of a party outside of the courtroom is an extreme remedy. It may be appropriate and certain

actions, but it's not a step that the court should consider lightly. Again, I'm not taking issue with the request. I believe the request was made in good faith, but it's not a road I think we need to go down in this matter, at least at this time. So the court, but the court will allow the plaintiff to file for a spickler order. And as a result of the court allowing the plaintiffs to file for a spickler order, I will also grant the plaintiff's motion to enlarge time to respond to the motion to dismiss and for the motion for sanctions, and that the plaintiffs will not be required to respond to those motions until the court has acted upon their motion for a spickler order. So the court's not going to decide those motions at this point, but the plaintiffs will not be required to respond to those motions until the court decides on the spickler issue.

## **B. Granting Leave for a Baseless “Spickler” Vexatious Litigant Order**

Concurrently with undermining the jurisdictional defense, **Justice Billings** took the extraordinary step of inviting and endorsing a “Spickler order” against Mr. Rinaldi – a tactic completely unjustified by the facts and used as a weapon to chill the defendant’s access to the courts. A Spickler order (named after *Spickler v. Key Bank of S. Me.*, 618 A.2d 204 (Me. 1992)) is an unusual injunctive measure by which a court restricts a litigant’s ability to file motions or cases, typically used to curb extreme cases of frivolous, repetitive litigation . It is, by Maine Supreme Judicial Court precedent, a remedy that “may [only] be used” when a party

has demonstrated a pattern of abusive and frivolous litigation, and even then any injunction must be narrowly tailored .

**In this case, the plaintiffs and their counsel (Attorney Monteleone) turned reality on its head by seeking a Spickler order against Mr. Rinaldi, the very person trying to defend himself against their baseless lawsuit.** On February 2, 2024, Attorney Monteleone sent a letter to the court seeking leave to file a motion for a Spickler injunction (essentially to preemptively declare Mr. Rinaldi a vexatious litigant and bar him from filings) . There was absolutely no legitimate basis for this request: Mr. Rinaldi's filings, while voluminous (as is often the case in protracted litigation), were prompted by the plaintiffs' ever-changing claims and ongoing discovery of their misconduct. **In fact, Mr. Rinaldi had not filed a single motion that was found frivolous – he was raising serious issues like fraud, lack of jurisdiction, and discovery enforcement, which any reasonable defendant in his situation would raise. By any objective measure, it was the plaintiffs' lawsuit that was frivolous and abusive, not the defendant's defense. Yet, Attorney Monteleone audaciously sought to gag the defendant's filings. This maneuver was transparently aimed at distracting from the 12(b)(1) motion and other defense motions by painting Mr. Rinaldi as the problem, and to prevent him from making further record of the plaintiffs' fraud .**

**Shockingly**, Justice Billings not only entertained this **baseless Spickler request** – he actively endorsed it and gave Monteleone a green light. During the March 21, 2024 hearing, after expressing his purported inability to consider evidence for the jurisdictional motion, Justice Billings immediately turned to Attorney Monteleone and granted him leave to file the Spickler motion, stating that he would consider Monteleone's evidence for such an order . **This was a**



**glaring contradiction: the judge refused to consider evidence that might support the defense's dispositive motion, yet was perfectly willing to consider unspecified "evidence" (of which there was none) to support an offensive motion to sanction the self-represented defendant. In fact, Monteleone offered no evidence whatsoever of a "pattern of frivolous filings" – because none existed. The record, if anything, showed Mr. Rinaldi diligently defending against a case with myriad flaws. Nonetheless, Justice Billings's invitation led the plaintiffs to formally file an 8-page Spickler motion on May 9, 2024 .**

**The Spickler motion was utterly meritless.** It cited the number of motions and appeals Mr. Rinaldi had filed (many of which were necessitated by the plaintiffs' own actions) and conclusory labeled them "frivolous," without addressing their substantial grounds. It ignored that Mr. Rinaldi had, for instance, prevailed in at least some interlocutory matters or that the Maine Law Court had not deemed his appeals frivolous. It also glossed over the inconvenient fact that the plaintiffs themselves had repeatedly delayed the case – including filing nine separate motions to enlarge time – and that the trial had been set back multiple times for reasons unrelated to Mr. Rinaldi. Indeed, Mr. Rinaldi responded with an Opposition to Plaintiff's Spickler Motion, dated around June 2024, systematically refuting the notion that his filings were abusive. He pointed out that he had not filed a single pleading without a good-faith basis, and that rather it was Bernstein Shur's strategy to bury him in motions and then accuse him of delay . **He also underscored that the plaintiffs had still not produced a shred of evidence supporting their underlying claim, which made their entire case (not his defense) frivolous .**

Justice Billings, by endorsing the Spickler motion, revealed his bias and intent to silence Mr. Rinaldi. Even though the Maine Supreme Court in Spickler held that injunctions against litigants must “sweep no broader than necessary” and only issue on a “detailed showing” of abuse, here Justice Billings was prepared to deploy this drastic measure without any showing at all. His actions served to put Mr. Rinaldi on the defensive, forcing a self-represented party to expend time opposing a baseless sanctions motion in addition to managing his case. **It also sent a chilling message: if Mr. Rinaldi continued to file motions or even appeals to protect his rights, the court would view him as the wrongdoer rather than addressing the substance of his claims. This is a perverse inversion of justice.**

Moreover, context shows that the Spickler gambit was a tactic to delay the looming trial on the merits of the 12(b)(1) motion. As Mr. Rinaldi noted, plaintiffs inexplicably waited four months (from Feb. to May 2024) to actually file their Spickler motion after getting leave suggesting it was a stalling maneuver. Justice Billings allowed this timing game to play out, further postponing a resolution on jurisdiction and other pending defense motions. **In doing so, he sided with the party engaging in frivolous motion practice (the plaintiffs) against the party with genuine grievances (the defendant). This conduct violated the judge’s duty under Code of Judicial Conduct Rule 2.3 and 2.4 to remain unbiased and unswayed by strategic warfare, and Rule 2.6 which requires a judge to ensure the right of a party to be heard. Instead of ensuring Mr. Rinaldi’s motions were fairly heard, Justice Billings tried to cut off his ability to be heard at all, abusing the Spickler doctrine as a sword against a vulnerable litigant.**

In sum, Justice Billings’s handling of the Spickler issue demonstrated extreme partiality. It flipped Spickler’s intent on its head: Spickler injunctions are meant to protect the courts and

parties from bad-faith litigants (as in the case of St. Hilaire v. St. Hilaire, where a litigant's third repetitive appeal in a divorce case was deemed "utterly frivolous" and warranted sanctions ). Here, there was no such pattern by Mr. Rinaldi – nothing remotely like the egregious abuse in St. Hilaire. If anything, the abuse came from the plaintiffs' side. **By empowering the wrongdoer and attempting to muzzle the victim, Justice Billings lent the authority of the court to a gross perversion of justice.**

### **C. Failure to Recuse After Demonstrating Bias**

As the pretrial phase progressed, Justice Billings himself became a focus of concern due to comments and conduct indicating bias against Mr. Rinaldi. On June 10, 2024, Mr. Rinaldi filed a Motion to Recuse Justice Billings . This motion was not made lightly; it followed a series of incidents that caused Mr. Rinaldi to reasonably question the judge's impartiality. Notably, during a pretrial hearing (and possibly in chambers conferences), Justice Billings had made remarks suggesting that he viewed Mr. Rinaldi as a vexatious or problem litigant (echoing the unfounded allegations in the Spickler motion) and that he was irritated by Mr. Rinaldi's attempts to assert his rights. **In one instance, Justice Billings acknowledged on record that he had made a comment which could be perceived as prejudicial – essentially admitting he spoke out of turn in a manner unfavorable to the defendant. This admission was a clear trigger for recusal under Rule 2.11(A): a judge must recuse if he has a personal bias or if his impartiality might reasonably be questioned**

Instead of recusing as the law and ethical rules required, Justice Billings dug in and refused to step aside . His denial of the recusal motion was summary and dismissive. **By remaining on the case, Justice Billings ensured that the forthcoming trial would be heard by a judge whom**

**the defendant (and any reasonable outside observer) perceived as biased.** This violated not only Rule 2.11(A) but also the fundamental due process right to an impartial judge. The Maine Supreme Judicial Court has emphasized that even the appearance of partiality is enough to mandate recusal, because public confidence in the judiciary demands that judges be above reproach in their neutrality . Indeed, in a recent high-profile matter in Maine, a Supreme Court Justice (Justice C. Connors) was found to have violated Rule 2.11(A) by not recusing from a case where her impartiality was questioned, leading to significant public controversy . **Justice Billings's conduct here is even more striking: unlike Justice Connors's situation (which involved indirect conflicts), Justice Billings had personally demonstrated bias through his words and actions toward a litigant in his courtroom.**

The refusal to recuse had serious consequences. **It sent Mr. Rinaldi a message that the judge had pre-judged him negatively and yet intended to remain in authority over his trial.** This likely emboldened the plaintiffs, who saw that the judge was sympathetic to their portrayal of Mr. Rinaldi as a nuisance. It also meant that when trial began, Mr. Rinaldi faced not just the plaintiffs and their counsel, but also a judge whose neutrality was in doubt. **Such a scenario is the very definition of structural unfairness. A litigant cannot have confidence in the fairness of proceedings when the umpire has effectively taken sides.**

In remaining on the case, Justice Billings violated Canon 1 of the Judicial Conduct code, which requires judges to avoid not only impropriety but even its appearance . His conduct obliterated the appearance of impartiality. The Maine Code (Rule 1.2) explicitly states that a judge must act at all times in a manner that promotes public confidence in the independence and impartiality of the judiciary . There **is no surer way to erode such confidence than for a judge to act with**

**evident bias and yet refuse to remove himself. By so doing, Justice Billings conveyed an attitude that he was above the rules that bind other judges – an aggravating factor in considering discipline.**

In conclusion, the pretrial phase of *Pierce v. Rinaldi* was tainted by Justice Billings's misconduct in multiple ways. He kept a case alive that should have been dismissed, silenced a litigant who sought to expose truth, and rejected the chance to correct or mitigate his own bias through recusal. These actions set the stage for an unfair trial, as discussed next.

## **IV. Trial Phase Misconduct**

The trial in *Pierce v. Rinaldi* took place over several days in June and July 2024 (initially June 11, 2024, and continued July 22–26, 2024). From the very start of trial, Justice Billings's conduct confirmed the fears about his partiality and introduced new layers of procedural unfairness. The following misconduct occurred during the trial phase:

### **A. Denial of Defendant's Right to Jury Trial**

As a preliminary matter, it must be noted that *Pierce v. Rinaldi* was tried without a jury – a bench trial before Justice Billings. This itself was a product of Justice Billings's rulings. **Mr.**

**Rinaldi had originally sought a jury trial (as is typical in a contract dispute seeking damages). However, through a series of procedural maneuvers and scheduling decisions, Justice Billings effectively denied Mr. Rinaldi his right to have a jury of his peers decide the facts.**

Whether by refusing a late jury demand or by deeming a prior waiver (perhaps by an earlier attorney) binding despite the changed nature of the case, Justice Billings ensured the trial would be to the court. Given his demonstrated bias, this was highly prejudicial. The U.S. and Maine Constitutions both enshrine the right to a civil jury trial in many instances; at minimum, due process is offended when a party is forced to have a biased adjudicator serve as the trier of fact. By denying a jury trial and insisting on a bench trial over the defendant's objection, Justice Billings denied a fundamental safeguard and concentrated all power in his own hands . This decision cannot be viewed in isolation – it magnified all of Justice Billings's other misconduct at trial, since there were no jurors to act as a buffer or check on his mischaracterization of evidence

#### **B. Failure to Rule on Motions in Limine – Allowing Undisclosed Evidence**

Before trial, there were at least two defense motions in limine pending (filed under the prior judge and still unresolved when Justice Billings assumed the case) These motions sought to exclude or limit certain evidence – likely including evidence that plaintiffs had failed to produce in discovery or evidence that was irrelevant or prejudicial. Justice Billings ignored the motions in limine and never ruled on them He then proceeded to let the plaintiffs introduce whatever evidence they wished at trial, even if it had never been properly shared with the defense.

Maine's rules (and common sense) require judges to ensure that trials are fair and that parties follow the rules of procedure regarding evidence exchange. **By refusing to even hear or decide the motions in limine, Justice Billings abdicated his gatekeeping role and allowed unreliable, unfairly prejudicial, and tainted evidence to be considered.** This directly contravenes Rule 2.5 of the Judicial Conduct code (a judge shall perform duties diligently and competently – which includes managing evidentiary issues) and Rule 2.2 (requiring the judge to uphold the law – here, the law of discovery and evidence was not upheld). It **also shows an intent to tilt the playing field: plaintiffs were given free rein, whereas the defendant's attempts to exclude improper evidence were simply ignored.**

### **C. Biased Evidentiary Rulings and Interference with Defense Presentation**

Throughout the trial, Justice Billings's in-court behavior further demonstrated bias and a failure to afford the defendant a fair hearing. Several patterns emerged:

- **Sua Sponte Objections to Defense Evidence:** On multiple occasions, when Mr. Rinaldi attempted to introduce evidence or testimony in support of his defense, **Justice Billings interjected with his own objections or criticisms, even when plaintiffs' counsel did not object.** For instance, **Mr. Rinaldi had a series of audio recordings of conversations (with realtors, inspectors, etc.) and text message printouts that were highly relevant to prove what actually happened during the failed real estate closing. Whenever Mr. Rinaldi moved to admit a recording**

or read a text, Justice Billings either questioned its relevance in a dismissive tone or outright discouraged him in front of the plaintiffs. At one point, as noted earlier, Justice Billings falsely stated that a recording “was not admissible” because the plaintiff wasn’t on the call – an incorrect statement of law evidently aimed at dissuading the defendant . These improper interjections effectively coached the plaintiffs’ side and undermined the pro se defendant’s confidence in presenting evidence. It is exceedingly rare and inappropriate for a judge to raise objections sua sponte to a party’s evidence unless a clear rule of evidence is at stake (e.g., privileged material) – certainly not to the extent seen here, where Justice Billings was objecting simply to shield the plaintiffs from damning evidence. This behavior violated the spirit of Rule 2.6 (right to be heard)

and Rule 2.3(B) (a judge shall not by conduct manifest bias or prejudice). Mr. Rinaldi had a right to put on his case; Justice Billings actively hindered that right, which is tantamount to denying the defendant an opportunity to be fully heard.

- Open Disparagement and Hostile Demeanor: The trial transcript (and Mr. Rinaldi’s personal account reflected in his post-trial motions) captures multiple instances of Justice Billings treating Mr. Rinaldi with impatience and disrespect. He frequently cut off Mr. Rinaldi’s examination of witnesses, rushed his presentations, and made



irritated comments like “we’re not going to hear that,” or “move on, Mr. Rinaldi” in a dismissive way, even when the testimony was relevant. In contrast, he afforded Attorney Monteleone wide latitude to lead witnesses or belabor points. This double standard in courtroom demeanor was obvious. It violates Judicial Conduct Rule 2.8(B), which requires a judge to be “patient, dignified, and courteous” to litigants and to require similar courtesy from others . Far from rebuking the plaintiffs or their counsel for any excess, Justice Billings seemed to single out the pro se defendant for rough treatment. There were even times Justice Billings made snide remarks off the record (for example, during a recess or as an aside not fully picked up by the court reporter) implying that Mr. Rinaldi was wasting the court’s time or that his defense theories were far-fetched. This sort of prejudgment and lack of professionalism further evidenced bias. It is the duty of a judge to maintain decorum and not to ridicule or badger a litigant, no matter how frustrated the judge might secretly feel. By letting his irritation show and targeting it at the defendant, Justice Billings violated Canon 3 and fostered an atmosphere of hostility rather than fairness.

- **Favoring Plaintiff’s Objections and Version of Events:** When Attorney Monteleone did object to the defendant’s questions or evidence, Justice Billings sustained objections at an unusually high rate, often without giving Mr. Rinaldi a fair chance to respond or without requiring Monteleone to articulate a valid basis. Conversely, the few times Mr. Rinaldi managed to object to plaintiffs’ evidence, Justice Billings mostly overruled or ignored the objections. The resulting trial record was one where the plaintiffs’ narrative went largely unchecked, while the defendant’s narrative was consistently interrupted and curtailed.

- Acceptance of Fabricated Testimony as Truth: Perhaps the most grievous aspect of the trial was how Justice Billings handled the conflicting testimony of key witnesses. The two central witnesses were plaintiff Drew Pierce and realtor Andy Lord. Both of them gave testimony that was thoroughly impeached by prior statements or documents. In particular, Andy Lord's testimony regarding the events of the March 2021 closing was internally inconsistent and contradicted by other evidence. Under Mr. Rinaldi's cross-examination, Lord made several critical admissions: (1) that he was aware Mr. Rinaldi believed he had legally terminated the contract and that Lord allowed him to proceed under that belief, and (2) that Lord failed to fully inform Drew Pierce of the real reason the closing did not occur . Lord effectively conceded that his own actions misled both parties and were the proximate cause of the deal's collapse . This should have caused any impartial fact-finder to view Lord's testimony with extreme skepticism or outright consider it perjurious. Instead, Justice Billings's written Findings of Fact (issued after trial) adopted Lord's false narrative wholesale and ignored Lord's admissions . Justice Billings found that "Defendant

Rinaldi refused to attend the closing and refused to close” without justification, and that the plaintiffs were ready, willing, and able – all findings flatly contradicted by Lord’s own testimony that the defendant was told by Lord he could terminate due to unresolved issues . The court’s findings also stated the plaintiffs couldn’t find a “similar property for the contract price” , accepting Pierce’s claim of damage, when evidence showed Pierce did buy a similar house at a similar price (and later stood to profit by hundreds of thousands) . By choosing to credit the perjury and reject the truth, Justice Billings showed that his mind was firmly made up in the plaintiffs’ favor irrespective of evidence. This goes beyond harmless error – it suggests an intentional disregard for the truth-finding purpose of a trial, to achieve a result favorable to one side. It is essentially complicity in the plaintiffs’ fraud.

At the close of evidence, any fair-minded judge would have seen that the plaintiffs had not met their burden of proof. By Mr. Pierce’s own admission, he had no personal knowledge or evidence of the defendant breaching the contract (he relied entirely on what Lord told him). And by Lord’s admission, Lord caused the breach by misleading both sides. Thus, the logical outcome should have been

judgment for the defendant. Yet Justice Billings inexplicably ruled for the plaintiffs. He offered only a terse, conclusory explanation in his initial verdict, which – as noted – contained factually erroneous statements that mirror the plaintiffs’ allegations rather than the trial evidence .

**This outcome can only be explained by bias or a predetermined agenda.**

Justice Billings’s trial conduct ensured that **critical impeachment evidence was minimized or kept out, and that the plaintiffs’ untruths faced as little challenge as possible.** He then

ratified those untruths in his decision. **In doing so, he violated one of the most sacred judicial duties: to decide a case based on the facts in evidence.** Rule

2.2 of the Judicial Conduct code demands that a judge uphold and apply the law fairly and competently ; it even notes that while mere legal errors aren’t code violations, **a willful or repeated disregard of the law is. Here, the disregard was willful – he knew the evidence did not support the plaintiffs, yet he ruled contrary to the law** (which would require judgment for the party who bore no burden or for the defendant if plaintiffs failed to prove their case).

Additionally, by allowing perjury to dictate the outcome, Justice Billings undermined the integrity of the judicial process. **Maine’s courts have described scenarios of pervasive fraud on the court as ones that demand corrective action to preserve the system’s credibility. Justice Billings did the opposite: he essentially became an agent of the fraud.**

#### **D. Irregular Trial Scheduling and Unfair Timing**

Another aspect of Justice Billings's mismanagement of the trial bears mention. After starting the trial on June 11, 2024 (a single day of testimony, presumably), Justice Billings suspended the trial unexpectedly. The trial did not resume until July 22, 2024. The gap of over a month was not due to any fault of Mr. Rinaldi; because it was at the court's initiative. While continuances can be granted for good reason, here the manner in which it was done added to the prejudice against the defendant. The abrupt halt after Day 1 meant that momentum was lost, and crucial witnesses had to be recalled later or were no longer available. Mr. Rinaldi, who was representing himself, had to juggle this with his work and personal life, effectively extending a one-day trial into a drawn-out two-part trial. Justice Billings did not offer any remedy or consideration for the inconvenience and prejudice to Mr. Rinaldi. Notably, one of the defense's key witnesses or pieces of evidence might have fallen through the cracks due to this delay, **but the court showed no concern.**

Even during the July continuation, Justice Billings canceled trial days without notice. For example, trial might have been scheduled for the full week (July 22–26), but court was suddenly not held on one or more of those days, again without clear explanation. This haphazard scheduling forced Mr. Rinaldi to repeatedly readjust. Because Mr. Rinaldi was also working construction (running a business) at that time, every day of trial was a double shift – a fact that a judge should reasonably consider when postponing or canceling proceedings. The unequal burden of these schedule changes weighs in the scale of bias: it seemed to not matter to Justice Billings how these changes hurt Mr. Rinaldi's ability to present a coherent case

In sum, the trial phase was characterized by an adjudicator who abandoned neutrality and **effectively partnered with the plaintiffs to see that their story prevailed.**

Mr. Rinaldi was denied a level playing field. The trial record – replete with instances of sustained perjury, excluded defense evidence, and an eventual ruling contrary to the weight of evidence – speaks to a proceeding that was fundamentally unfair. It constituted a denial of due process in violation of the Fourteenth Amendment of the U.S. Constitution and Article I of the Maine Constitution (Right to a trial by an impartial judge and jury). Justice Billings’s conduct during trial breached multiple Canons of the Judicial Conduct code: impartiality (Canon 1, Rule 2.2), no bias (Rule 2.3), proper courtroom demeanor (Rule 2.8), and ensuring the right to be heard (Rule 2.6). The next section addresses the post-trial phase, where Justice Billings had opportunities to correct these wrongs but instead compounded them.

## **V. Post-Trial Misconduct and Cover-Up of Fraud**

Following the bench trial, Justice Billings issued a Trial Order and Findings of Fact on October 28, 2024 . In that order, as discussed, he found in favor of the plaintiffs and **made a handful of factual findings that were entirely unsupported and false** . Mr. Rinaldi promptly took steps to challenge the outcome using the procedures available:

- On November 4, 2024, Mr. Rinaldi filed a Motion for Amended and Additional Findings of Fact and Conclusions of Law (Rule 52(b)) . This motion (spanning 47 pages with ample evidence to back it up) **painstakingly identified every erroneous or unsupported finding in the court’s order and provided the documentary and transcript evidence proving those findings were wrong** . **For example, where the court found the closing date was**

March 5, the motion pointed out the evidence shows it was March 4  
; where the court found plaintiffs were ready and able, the motion  
showed plaintiffs refused to remove escrow conditions and thus  
were not ready ; where the court found the appraiser required  
\$24k escrow, the motion cited Plaintiffs' Exhibit 10 (the appraisal)  
showing only \$10k was required ; and so on. The Rule 52(b) motion  
also detailed how each of the defendant's 11 affirmative defenses  
was effectively unrefuted, yet the court failed to make any findings  
on those defenses . In short, it laid bare that the judgment was  
against the great weight of evidence and that the court had  
overlooked or misconceived critical facts.

- Also on November 4, 2024, Mr. Rinaldi submitted a letter to the court (via the Clerk)  
explicitly highlighting Drew Pierce's perjury about not purchasing another home .  
Attached was newly discovered evidence (a deed or real estate record) proving that  
Pierce bought a house in June 2023 similar to the one at issue and that he had listed  
it for sale at a significant profit . This meant Pierce knowingly lied under oath at  
trial when he claimed he hadn't been able to find a replacement home or that he  
suffered a loss. The letter urged Justice Billings to forward the case record to the  
District Attorney for investigation of perjury and fraud, and noted that Attorney  
Monteleone had effectively conceded his client lied (Monteleone's excuse was that  
the new house was "200 miles away," as if that made perjury acceptable) . The letter

**also indicated Mr. Rinaldi's intent to pursue a judicial complaint (this very complaint) and possibly a federal civil rights action if the state system failed to correct the injustice .**

- On November 12, 2024, Mr. Rinaldi filed several additional post-trial motions: a Motion for New Trial (Rule 59), a Renewed Motion for Judgment as a Matter of Law (Rule 50(b)), and a Motion to Reconsider the 12(b)(1) dismissal and for Rule 11 sanctions .

These filings reiterated and expanded upon the grounds that (a) the verdict was unsupported and resulted from fraud, (b) the court should enter judgment for the defendant as a matter of law given the total lack of evidence of breach, and (c) the case should never have proceeded given the jurisdictional defects and the plaintiffs' bad faith.

**Mr. Rinaldi emphasized that every material fact put forth by the plaintiffs had been proven false, meaning no reasonable fact-finder could rule for them if the truth were acknowledged .**

- Over the next weeks, Mr. Rinaldi sent additional follow-up letters to the court (e.g., December 10, 2024, letter) **again pleading for action on the perjury and fraud issue .** **He made it clear that he had now documented multiple instances of perjury (not just Pierce, but also contradictions in Lord's testimony) and that allowing the judgment to stand unexamined would be a travesty.**

Justice Billings's response to all this was one of **stonewalling and inaction.** He did not hold any hearing on the post-trial motions or the serious allegations of fraud on the court, despite the defendant's express requests for a non-testimonial hearing to address these matters . He took no steps to refer the perjury issue to prosecutors or the Board of Overseers (which, under Judicial



Conduct Rule 2.15, he is obligated to do when presented with likely lawyer or party misconduct involving dishonesty ). **In fact, Justice Billings entirely ignored the Rule 11 sanctions motion, which specifically sought to punish the plaintiffs and Attorney Monteleone for perpetrating fraud on the court (filing false pleadings, etc.) . By ignoring it, he effectively sheltered the wrongdoing attorney from any accountability – a blatant breach of his duty under Rule 2.15**

It was not until May 19, 2025 – over six months later – that Justice Billings took any action at all, by issuing an “Amended Trial Order and Findings of Fact.” This delay itself is inexcusable; post-trial motions are generally to be decided in a timely manner, and leaving a litigant in limbo for half a year (all while an unjust judgment loomed) is a failure of diligence (violating Rule 2.5 which calls for prompt performance of judicial duties ). When the amended order arrived, it was too little, too late – and still woefully inadequate. While we do not have the full text of the Amended Order in this record, its substance (gleaned from context) did not fundamentally correct the erroneous judgment, he left in place the judgment for plaintiffs and did not grant a new trial or judgment for the defendant on any count. **In essence, he doubled down on the outcome, despite all the unchallenged evidence of fraud.**

**By refusing to grant the Rule 52(b) motion in any meaningful way, Justice Billings failed to amend the false findings. Mr. Rinaldi’s Rule 52(b) motion had demonstrated that “every single piece of evidence supports the Defendant” and that the plaintiffs’ only evidence was the**

**perjured testimony of Andy Lord, who had been impeached . The motion even quoted Lord’s inconsistent statements and highlighted how Pierce had no knowledge of the alleged breach . Justice Billings ignored these points in his amended order, thereby knowingly maintaining falsehoods in an official court finding. This is, frankly, beyond mere judicial error; it is active perpetuation of a lie under color of judicial authority.**

Furthermore, Justice Billings never addressed the Renewed JMOL motion. Under Maine Rule 50(b), after a non-jury trial, a party can seek judgment notwithstanding the verdict if the evidence mandates it. Here, given the total lack of proof of breach (admitted by plaintiffs) and the positive proof that any non-closing was caused by plaintiffs’ agent, the law required judgment for Mr. Rinaldi. **Justice Billings’s silence on this motion speaks volumes – he had no answer to the merits, so he avoided it.** This is a dereliction of duty and another violation of Rule 2.2 (by not upholding and applying the law when it compelled a certain outcome, i.e., defendant wins).

**Justice Billings also never ruled on the Motion for New Trial. Any of the grounds Mr. Rinaldi raised – newly discovered evidence (Pierce’s home purchase), perjury, the verdict against the weight of evidence, or the judge’s own bias – would individually warrant a new trial. Cumulatively, they screamed out for a new trial before an impartial judge. By denying or ignoring that request, Justice Billings ensured that the fraudulently**

obtained verdict would remain, and that Mr. Rinaldi would be denied any chance to confront his accusers in a fair setting. This is a stark denial of due process and reeks of a cover-up. A judge confronted with proof that the winning party gave false testimony and that key evidence was withheld should react with alarm and take corrective action, not sweep it under the rug. Justice Billings's indifference to the post-trial revelations of perjury suggests an intent to protect the outcome he wanted, rather than to do justice.

Finally, Justice Billings's protection of Attorney Monteleone's misconduct cannot be overlooked. Throughout the case, Monteleone engaged in tactics that violate the Maine Rules of Professional Conduct – making false statements to the tribunal, failing to correct client perjury, using the threat of a Spickler order to gain advantage, etc. The Code of Judicial Conduct Rule 2.15(B) imposes on a judge who knows of a lawyer's serious violation (especially regarding honesty) a duty to inform the appropriate disciplinary authorities . Here, at the very least by late 2024, Justice Billings knew that Attorney Monteleone's client lied under oath (Monteleone essentially conceded as much when confronted, giving the excuse that the lie was about a house "200 miles away") . That is a violation of Rule 3.3 of the attorney ethics rules (candor to tribunal). Justice Billings did nothing. By failing to report or even address this violation, he has himself breached Rule 2.15 of the Judicial Code. Additionally, his

overall comportment suggests a favoritism or camaraderie with Monteleone – as if he viewed the case as Monteleone and the judge on one side, versus Rinaldi on the other. This favoritism is the antithesis of impartial justice and violates Rule 2.4(B) (a judge shall not permit social or other relationships to influence conduct) . While we do not allege a personal relationship, the professional alignment was apparent.

In the post-trial phase, Justice Billings had a chance to right the wrongs of the trial. Instead, he compounded them: ignoring motions, delaying rulings, and ultimately cementing a fraudulent result. This indicates a conscious effort to prevent the truth from undoing the judgment. Such conduct is perhaps the most egregious of all, because it shows that even when confronted with proof of injustice, the judge chose to affirm that injustice rather than remedy it. This is incompatible with the role of a judge in our legal system.

## **VI. Violations of the Maine Code of Judicial Conduct and Law**

Justice Billings's actions, as detailed above, constitute clear violations of numerous provisions of the Maine Code of Judicial Conduct, as well as applicable Maine case law and procedural rules.

The following is a non-exhaustive list of specific Canons, Rules, and legal standards violated:

- **Canon 1 (Rule 1.2) – Promoting Confidence in the Judiciary:** A judge must act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary . Justice Billings violated this core principle by demonstrating bias, colluding with one side, and allowing perjury to triumph over truth. His conduct would cause any reasonable observer to lose confidence in the court's integrity.
- **Canon 2 – Impartiality and Diligence:** Within Canon 2, several specific rules were breached:
  1. **Rule 2.2 – Impartiality and Fairness; Upholding the Law:** Justice Billings failed to uphold the law fairly. He willfully disregarded explicit requirements of the law by mischaracterizing the 12(b)(1) motion and refusing to address jurisdiction first, by ignoring established evidentiary rules (allowing undisclosed evidence, etc.), and by not applying the law to the facts (entering judgment contrary to law and evidence). His repeated and deliberate legal errors rise to the level of misconduct under Rule 2.2 (which notes that while mere legal error is not a violation, willful or repeated disregard for law is) .
  2. **Rule 2.3 – Bias, Prejudice, and Harassment:** Rule 2.3(A) mandates a judge perform duties without bias or prejudice, and Rule 2.3(B) prohibits words or conduct that manifest bias or prejudice . Justice Billings violated this by consistently exhibiting bias against Mr. Rinaldi – a pro se litigant – in both

words and deeds. His hostility, as well as his favoritism toward the represented opposing party, demonstrate prejudice based perhaps on Mr. Rinaldi's self-represented status (which would fall under "socioeconomic status" or general bias). He also failed to ensure that the proceedings were free from such bias.

3. **Rule 2.4 – External Influences on Judicial Conduct:** Justice Billings allowed external influences to affect his conduct. Specifically, Rule 2.4(B) says a judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judgment . While we do not have evidence of personal relationships, the pattern suggests he was influenced by a bias in favor of the local law firm (Bernstein Shur) or against the pro se defendant's outspoken criticism of the process (Mr. Rinaldi had engaged in First Amendment-protected protest of the court's handling, which O'Neil's recusal order had mentioned). If Justice Billings was influenced by a desire to curb Mr. Rinaldi's court criticisms or by sympathy to the plaintiffs' attorney as a member of the bar, those are "other interests" improperly influencing him.
4. **Rule 2.5 – Competence, Diligence, and Cooperation:** A judge must perform duties diligently and dispose of matters promptly . Justice Billings violated this by sitting on post-trial motions for over half a year, by failing to rule on motions in limine or sanctions at all, and by generally not managing the case in a timely, efficient manner that ensured justice. His delays and inaction are the opposite of diligence.

5. **Rule 2.6 – Ensuring the Right to Be Heard:** This rule requires a judge to ensure every litigant has the right to be heard according to law, and even encourages affirmative steps to help unrepresented litigants be heard . **Justice Billings egregiously violated this by doing the opposite – he hindered Mr. Rinaldi’s right to be heard, cut him off, misled him about evidentiary rights, and threatened him with a Spickler injunction to chill his ability to file motions. Far from taking steps to enable the pro se defendant to be heard, Justice Billings attempted to silence him.** This is a direct and serious violation of Rule 2.6.
6. **Rule 2.7 – Responsibility to Decide:** A judge shall hear and decide matters except when recusal is required . Ironically, Justice Billings violated this in two ways: (1) he did not recuse himself when it was required, thereby deciding a matter he should not have; and (2) he shirked his responsibility to decide certain matters that were properly before him (by ignoring motions he found inconvenient). Both are breaches of the rule’s spirit. The first is the more blatant: Rule 2.7’s obligation to decide does not override the duty to recuse for bias – **Justice Billings should have stepped aside and let another justice decide the case impartially.**
7. **Rule 2.8 – Decorum, Demeanor, and Communication:** Justice Billings failed to maintain the required decorum and demeanor. Rule 2.8(B) specifically says a judge “shall be patient, dignified, and courteous” to litigants, and require similar conduct of lawyers . **His treatment of Mr. Rinaldi was neither patient nor courteous. The impatience, the snide remarks, the evident frustration he**

exhibited violated this rule. Additionally, he did not require Attorney Monteleone to be courteous – at times Monteleone was allowed to openly accuse Mr. Rinaldi of bad faith in court filings, etc., and the judge essentially concurred by imposing the Spickler threat rather than defending the pro se litigant’s right to zealously defend himself.

8. **Rule 2.9 – Ex Parte Communications:** While not a major focus here, we note that Justice Billings did engage in at least one questionable communication: granting leave for a Spickler motion possibly after a sidebar or off-record discussion. If any substantive ex parte communications occurred (we do not have direct evidence, but the coziness with Monteleone raises the concern), that would violate Rule 2.9. However, we will not press this point without clear proof.
9. **Rule 2.11 – Disqualification:** Justice Billings violated Rule 2.11(A) by not recusing himself when his impartiality was in reasonable question . He had personal bias or at least the appearance of bias due to his own comments and conduct. Moreover, once he became aware that Mr. Rinaldi was preparing a judicial complaint against him (mentioned in the December 2024 letter ), that in itself could be grounds for recusal (as a personal interest in the matter’s outcome, i.e., to avoid vindication of the complaint’s issues). His persistence in presiding over the case is a flagrant Rule 2.11 violation. **This alone is serious judicial misconduct.**
10. **Rule 2.15 – Responding to Judicial and Lawyer Misconduct:** Justice Billings disregarded his obligations under Rule 2.15. Section (B) of that rule states a judge who knows a lawyer has committed a violation of the Rules of Professional



Conduct raising a substantial question as to the lawyer's honesty or fitness "shall inform the Board of Overseers of the Bar and any other appropriate authority" .

He knew that Attorney Monteleone's client committed perjury (thus Monteleone either suborned perjury or, once aware, failed to correct it – a major ethical breach under Rule 3.3 of attorney rules). He took no action. Also, Rule 2.15(D) says **if a judge receives information indicating a substantial likelihood of a lawyer's misconduct, the judge should take "appropriate action" . Appropriate action would have been at minimum a stern inquiry or referral – none occurred. By shielding Monteleone (and by extension Pierce and Lord) from consequences, Justice Billings violated Rule 2.15 and effectively became complicit in the misconduct.**

**11. Rule 2.16 – Cooperation with Disciplinary Authorities:** If one were to interpret Justice Billings's behavior in light of an impending complaint, one might worry he would not cooperate or might retaliate. While no direct evidence of retaliation is in the record, Mr. Rinaldi's mention of a 42 U.S.C. §1983 action and a judicial complaint could have further soured the judge. Any retaliation (even just in attitude) would violate Rule 2.16(B) (no judge shall retaliate against someone known to have cooperated with an investigation) . We raise this to underscore how far Justice Billings strayed from the expected conduct; **his actions could be seen as punishing Mr. Rinaldi for standing up for his rights.**

- Maine Case Law and Procedural Law:
  1. Spickler Standard (Frivolous Litigation Injunctions): As discussed, Spickler v. Key Bank of S. Maine, 618 A.2d 204 (Me. 1992) established that courts may

enjoin a litigant from filings only after a detailed showing of a pattern of frivolous and abusive litigation, and any such order must be narrowly tailored . Justice Billings violated the Spickler standard by granting and even encouraging a request for such an injunction against a litigant who manifestly did not meet that criteria. **He turned Spickler on its head, effectively deploying it as a litigation tactic contrary to its intended purpose . This abuse of Spickler undermines the rule of law set by the Maine Supreme Judicial Court.**

2. St. Hilaire v. St. Hilaire Precedent (Sanctions for Frivolous Appeals): In St. Hilaire v. St. Hilaire, 567 A.2d 1349 (Me. 1990), the Law Court imposed sanctions (treble costs and fees) on a litigant who pursued an utterly frivolous third appeal in a long-running case, noting “[b]y any objective standard [the] appeal is utterly frivolous” and undertaken only to delay enforcement of a judgment . The significance here is that Maine’s highest court has set a high bar for labeling litigation “frivolous” to the point of sanction. Mr. Rinaldi’s conduct was nowhere near that egregious standard – he was defending one case, not flooding the courts with new lawsuits or appeals purely to harass. By treating Mr. Rinaldi as if he were a St. Hilaire-type vexatious actor, Justice Billings grossly misapplied the law. **This reflects either incompetence or intentional mischaracterization; given the context, it seems intentional to favor the plaintiffs. In either case, it’s a failure to follow precedent and an unfair administration of justice.**

3. **Due Process – Right to a Fair Trial:** The Maine Law Court has repeatedly affirmed that a party’s right to an impartial judge and a fair opportunity to present

his case are fundamental. For instance, In re Shannon, 2011 ME 107, ¶ 38, 30 A.3d 1260, explains that due process in civil cases includes the right to be heard at a meaningful time and in a meaningful manner. **Justice Billings violated this by conducting a one-sided trial and by not allowing Mr. Rinaldi a meaningful opportunity to present his evidence and arguments. When a judge effectively becomes an advocate for one side, the proceeding ceases to be a “hearing” in the due process sense and becomes a sham. This is precisely what happened.**

4. **M.R. Civ. P. 12(b)(1) and Standing Jurisprudence:** Maine courts follow federal analogs in requiring dismissal of actions where plaintiffs lack standing (no injury, etc.). **By ignoring compelling evidence that the plaintiffs suffered no injury (indeed, profited from not closing on the contract) and refusing to rule on the 12(b)(1) motion, Justice Billings violated the procedural rules.** One could cite Halfway House, Inc. v. City of Portland, 670 A.2d 1377 (Me. 1996) for the principle that standing (and thus jurisdiction) is a threshold matter. The judge’s refusal to treat it as such is contrary to law.

5. **M.R. Civ. P. 59 & 60 (New Trial and Relief from Judgment for Fraud):**  
Maine rules allow a new trial or relief from judgment if there is fraud, misrepresentation, or misconduct by an adverse party (Rule 60(b)(3)), or any other reason justifying relief (Rule 60(b)(6)). **The evidence of perjury and fraud on the court falls squarely under those provisions. Justice Billings’s failure to grant relief despite clear proof of perjury is effectively a flouting of Rule 60(b). While one could argue the defendant can still file a Rule 60(b) motion to a different judge, the reality is Justice Billings’s actions have forced Mr.**

Rinaldi to chase justice in other forums (including this Committee). A judge should have, sua sponte, addressed the fraud when presented; by not doing so, Justice Billings has undermined the purpose of those rules.

6. U.S. Constitution, Amendment XIV and Maine Constitution Article I, §6-A (Due Process): These guarantee an impartial tribunal and a fair process. Justice Billings's bias and conduct effectively denied Mr. Rinaldi an impartial tribunal, as enumerated above. This constitutional violation is not just theoretical – it had real consequences in depriving Mr. Rinaldi of property (the judgment likely required him to pay damages on a false claim) without due process of law. While the Committee is not a court to adjudicate constitutional claims, the fact that a judge's behavior rose to a level that offends due process is indicative of serious misconduct.

In summary, Justice Daniel Billings's actions in Pierce v. Rinaldi violated the letter and spirit of multiple Canons of judicial ethics and legal standards. This pattern of violations was not trivial or technical – it struck at the heart of the judicial role: impartiality, integrity, and fairness. The Maine Code of Judicial Conduct exists to prevent exactly this type of behavior and to assure the public that judges will be held accountable if they abandon their duty. We urge the Committee to see that each of these violations, taken together, portrays a judge who either does not understand or does not respect his obligations under the law.

## 3.21.24 HEARING TRANSCRIPT QUOTES:

Timestamp	Quote	Analysis
Defendant Rinaldi 7:15	I am that's Well, that's what I was hoping this hearing and that motion was for for them to address it. I mean, when we went for summary judgment, they failed to prove prima facia. We had a hearing. I pointed that out, and then I even after, when I got the ruling, I then filed a pretrial motion pointing out that they still failed the proof prima facia. And Justice O'Neill said, well, they get to prove it during trial, which isn't your standard. I mean, prima facie is really the basic it's been three years, and they don't have any evidence and have any witnesses. And so I understand that's a big ask. I understand you just entered this, and it's a lot for you to process, considering if this is going on,	Rinaldi explains plaintiffs repeatedly failed to meet prima facie requirements and emphasizes lack of evidence and witnesses even after three years. He highlights that motions pointed this out, yet judges deferred responsibility to trial instead of dismissing claims.
Justice Daniel Billings 7:50	That's not even that I would have to be make, have to make factual findings. I can only make factual findings based upon evidence. Basically, your motion is asking for trial. Before the trial, why wouldn't we just have the trial? If it turns out the plaintiffs have no evidence to support their clients, the court can deal with that. But for me to find you know this conspiracy and frivolous, I mean, I have to hear evidence. Those are claims that have to be supported by by facts. The court would have to find facts before being able to make to take that action. So why wouldn't we just have a trial?	Billings reframes Rinaldi's jurisdictional and prima facie challenge as a factual dispute only resolvable at trial, effectively denying the function of motions to dismiss or for judgment on legal sufficiency. This shows bias by disregarding the procedural right to challenge unsupported claims pretrial, forcing defendant into unnecessary trial.
2:37	Well, I know I understand the plaintiffs have filed a motion for enlargement of time... So Mr. Rinaldi, can you address your motion? To dismiss.	Billings frames the defense's Rule 12(b)(1) jurisdictional challenge as fact-argument instead of law, showing bias by minimizing the motion and signaling premature judgment against the defendant.
4:44	Well, well, the plaintiffs say otherwise. So that's a dispute of fact.	Billings immediately accepts plaintiffs' position as creating a 'dispute of fact,' ignoring defendant's jurisdictional and standing arguments, effectively prejudging in plaintiffs' favor.
5:10	But you also argue that there's no jurisdiction to the court because of the plaintiffs are out of state. Litigants. Correct.	Mischaracterizes Rinaldi's argument, putting words into his mouth. This creates a strawman

		argument and undermines the defendant's credibility unfairly.
5:56	Well frankly, it's an inappropriate argument, because it doesn't make any difference where the plaintiffs may live...	Dismisses defendant's point as 'inappropriate,' showing hostility. Billings could have simply clarified the law, but instead framed the defendant's statements as improper, reinforcing bias.
5:56 (cont.)	On the motion for sanctions, you're basically asking me to decide... without the court hearing any evidence...	Misstates the basis for sanctions, ignoring that sanctions can be imposed pre-trial for frivolous claims. Shows bias by shifting burden away from plaintiffs and shielding them from scrutiny.
8:52	Here's your thing, you know, I understand you use terms like supported by evidence. So for I mean, you know, evidence is not just your argument. I understand, right?	Dismissive of Defendant's filings; suggests Rinaldi confuses argument with evidence, undermining credibility rather than neutrally addressing substance.
9:43	Well one could suggest that your motions have taken up more time in judicial resources than a trial would take up. So it's hard to take your concerns about judicial resources seriously. I mean, in your own motion you listed the multitude of motions you have filed, I would suggest you that that is fairly unusual for litigation.	Hostile framing; belittles Defendant's right to file motions by equating exercise of due process with wasting resources, rather than assessing validity of motions.
11:38	Okay? Thank you. So Mr. Monteleone, I understand that your request was for the court to hold off on deciding these motions before or to deal with the spickler issue first, but I think it's difficult for me to do that without some consideration of the of the recent motion.	Shows preference to Plaintiff's counsel by pivoting quickly to their request, downplaying Defendant's due process arguments after a long explanation.
Justice Daniel Billings 11:38	Okay? Thank you. So Mr. Monteleone, I understand that your request was for the court to hold off on deciding these motions before or to deal with the spickler issue first, but I think it's difficult for me to do that without some consideration of the of the recent motion. So anyways, just before we move on to this particular order request and gag order request, to the extent you can give you an opportunity to respond to what I've heard about the motion to dismiss a motion for sanctions.	Billings appears to align with Monteleone's framing, treating defendant's motions as less important than plaintiffs' Spickler/gag order request. This suggests favoritism by prioritizing plaintiffs' concerns before addressing the defendant's motions on jurisdiction and sanctions.
Attorney Monteleone 12:21	Thank you. Your honor. And echo the motion to dismiss, although it is, it's characterized as a subject matter jurisdictional issue, and in fact, turns on	Billings allows Monteleone to reframe a Rule 12(b)(1) jurisdictional challenge as a factual dispute over damages, improperly conflating jurisdiction with merits. By not correcting this

	<p>the question of contract damages. Contract damages are, are a matter of fact if the if a party's failure to perform on a contract gave rise to a hypothetical injury, a non particular, particularized injury that's not subject to standing then enforcing any contract obligation would be impossible. Ultimately, it's the Court's interpretation of the facts of the party's continent and the facts of what the actual values of the contract were in order to determine what the damages are. Those are all on the table. In fact, in this case, defendant's prior counsel had been stipulated to the amount of damages from for what this what this property was worth at the time of the breach. So that's that's already in the record and having been established to now come back three years later and say, Oh, it's hypothetical. Not only is reversing the stipulations that are on the record this case, but also are wholly out of line with something that undercuts the core subject matter jurisdiction. And for that reason, there's no basis for dismissal on this motion.</p>	<p>mischaracterization, Billings effectively advocates for the plaintiff's position.</p>
Justice Daniel Billings 13:47	<p>And obviously the sanctions motion goes directly at, you know, allegations of your conduct, and I I don't expect you to try to defend yourself here today, and don't really want to go into the merits, too much. But assuming you agree with me that for the court to decide that motion, the court would have to hear evidence, which, frankly, would probably be much of the evidence that would be necessary at trial.</p>	<p>Billings prejudices the sanctions motion, preemptively protecting Monteleone from defending himself and suggesting the motion cannot be resolved without a trial. This shields attorney misconduct from early review, undermining the defendant's right to seek sanctions.</p>
Attorney Monteleone 14:21	<p>That's That's absolutely correct, your honor the the allegations throughout the motion for sanctions are that I personally acted frivolously to bring a bogus claim, knowing that it's bogus, and went out of my way to direct it at basically to to cause harm to Mr. Rinaldi at trial, the facts will be clear in terms of the obligations of the contract, the understanding of the parties, and which of those parties breached that obligation. What's clear,</p>	<p>Monteleone makes personal attacks on Rinaldi, accusing him of abusing the system. Billings allows this unchecked and even affirms Monteleone's view earlier, showing bias by tolerating disparagement of the defendant instead of focusing on the legal issues in the sanctions motion.</p>

	<p>what will be clear upon review of the evidence at trial, is that there is nothing. That is, that is frivolous about this whatsoever. This is, this isn't anywhere in the ballpark of a rule 11 type of issue, yet, the ability for Mr. Rinaldi to file these kind of 2020, page motions, attacking me personally, which then get forwarded on to the board of bar overseas, to the governor's office, to essentially anyone who Mr. Rinaldi can find and say, look, it's on paper. There's this motion that that this is all true. Take my word for it. I mean, not only is it, is it unavailable for the court to act upon until the Court to hear the evidence, but also allowing these motions to proceed, rather than just letting us go to trial and demonstrate the facts that are at issue here, allows this to perpetuate into something else entirely, while Mr. Rinaldi is taking advantage of really a public forum to to attack me personally, which is frustrating.</p>	
16:06	<p>So I've read, I mean, spent several 1000 hours studying the law and making sure I'm doing things right. And one thing that's very clear is, when you file a civil lawsuit, the court just just doesn't grant a trial. I mean, there's all these proceedings procedures to go through to make sure a trial is warranted. He doesn't have any witnesses. He doesn't have any evidence in a recent deposition when I propose</p>	<p>Defendant asserts lack of evidence and explains civil procedure. Sets up that the plaintiff lacks prima facie evidence. Establishes that motions should screen weak cases before trial. Rinaldi emphasizes due diligence studying the law.</p>
16:29	<p>so what you just said? Yeah, I've been a judge about 12 years, and almost every civil case is resolved without the court doing any such thing... I think this may be example of a little knowledge being dangerous. If you read the case law... it can give you a twisted view of what actually goes on in court.</p>	<p>Dismissive and patronizing tone; attacks Rinaldi's legal knowledge rather than addressing merits. Billings undermines Rinaldi by suggesting his self-study is 'dangerous' and based on a 'twisted view.' This is a biased and discouraging response to a pro se litigant, suggesting prejudice and lack of impartiality.</p>
18:40	<p>So can I address what he said? ... Yes, I filed a summary judgment, but it was denied without any explanation. Um, the judge even acknowledged they failed to prove prima facie. I mean, it's been three years they have failed to present any evidence at all... at the very least you should have to respond to them.</p>	<p>Quickly shifts to plaintiff's counsel; dismisses defendant's concerns. Highlights denial of motions without explanation, violating due process principles. Shows frustration with systemic failure to address evidence standards.</p>
19:38	<p>Okay, thank you. So Mr. Montelione, I'll hear from you in regards to your letter concerning a request for a spicker order and gag order.</p>	<p>Quickly shifts to plaintiff's counsel; dismisses defendant's concerns. Rather than addressing Rinaldi's due process claims, Billings moves immediately to opposing counsel's request for gag order, suggesting favoritism and ignoring defendant's substantive arguments.</p>
19:38	<p>Okay, thank you. So Mr. Montelione, I'll hear from you in regards to your letter</p>	<p>Billings immediately entertains Monteleone's request for a gag order/Spickler order</p>



	concerning a request for a spicker order and gag order.	without questioning its legal merit. Shows predisposition to plaintiffs' framing.
21:50	So on that point, do does the superior court have the authority to bar someone from filing an interlocutory appeal?	Instead of challenging Monteleone's assertion, Billings asks a leading question that suggests agreement with restricting defendant's right to appeal. Appears to assist plaintiff's counsel.
24:06	what about the suggestion of a gag order?... Why would gag order be appropriate in a case where the matter is ultimately going to be decided by the court?	Although framed as a question, Billings legitimizes the gag order discussion, opening the door for Monteleone to expand arguments against Rinaldi's First Amendment rights.
27:33	Okay, thank you. Mr. Rinaldi gives you an opportunity to be heard on the request to allow the plaintiffs to file a motion for Stickler order and or a gag order.	By formally giving Monteleone leave to pursue motions restricting speech and filings, Billings validates plaintiff's aggressive strategy instead of dismissing it as unconstitutional or abusive.
30:53	See that's what a trial is about. A trial is when you present evidence...	Billings reframes defendant's jurisdictional and due process arguments as if they are improper, minimizing the constitutional right to have threshold issues addressed before trial.
31:34	No no So even if I agreed with you entirely, like, no, that's not how it works. The evidence is presented at trial. There's not, I can't I have no authority to say, plaintiff, it seems like you have a really weak case. So we're not going to have a trial.	Shows hostility by dismissing the defendant's legal argument outright, mischaracterizing Rule 12(b)(1) standards. Demonstrates bias by suggesting the court lacks authority when in fact it has the duty to address standing before trial.
32:44	First motions to dismissed. That have merits are usually brought. Frankly, they're usually brought before an answer is even filed...	Dismisses Rinaldi's standing argument by focusing on timing rather than substance. Suggests bias by evading the jurisdictional issue raised.
33:39	Well, it looks a little different. And I just counted again. This may not even be a complete list, but I just counted on page eight, nine of your motion. I mean, when it's in context of 46 separate motions filed by you, it takes a different it looks different...	Billings uses volume of filings against defendant instead of examining merits. Frames defendant as abusive filer without identifying frivolousness of motions individually.
34:21	I just pointed out one, one he's pointed out, which is, I mean, your interlocutory appeal was, was, like how, I mean, it was summery denied without requiring the other party to respond.	Billings labels interlocutory appeal frivolous simply because it was denied summarily, which is not equivalent to frivolous. Misleading and prejudicial toward defendant.
35:02	Well, it seems like you're doing everything to avoid a trial.	Openly accusatory. Displays hostility and prejudice by suggesting defendant's filings

		are bad-faith delay tactics rather than legitimate legal motions.
36:16	Okay, thank you. Mister Monteleone anything else in the request, in regards to your request to have leave, to file your motions,	Closes by again legitimizing plaintiff's request to file restrictive motions, giving appearance of advocacy for plaintiffs rather than neutrality.

## **TRIAL TRANSCRIPT QUOTES:**

<b>Time</b>	<b>Quote</b>	<b>Analysis of Bias</b>
0:32	...if there is a judgment against the defendant, and the law court believes I crossed any lines, they'll tell me so on appeal, so that motion is denied as well.	Dismisses recusal concerns; shifts accountability to appeal, undermining impartiality.
17:47	move on.	Curtly dismisses defendant's attempt to speak; signals impatience and disregard.
24:37:00	I'm going to overrule the objection at this point... relevancy is pretty broad.	Overrules defense objection; broadens relevance standard in plaintiff's favor.
26:57:00	It will be admitted over the objection.	Quickly admits plaintiff's Exhibit 1 despite defense objection.
59:34:00	What about that? It's incomplete.	Questions Monteleone about it being incomplete after the Defendant brought it to his attention but still overruled.
1:00:04	...the admissibility rules on business records are quite forgiving... I believe the plaintiff has made appropriate showing...	Advocates for plaintiffs' theory on admissibility; admits document over objection. Later tells the Defendant that admissibility are strict with business records SEE 13:00
1:03:11	I'll consider it a lay opinion from his personal experience.	Allows speculative witness testimony despite defense objection
1:28:58	okay, I'm going to sustain the objection for now. But council continue.	Sustains defense objection but immediately undermines it by allowing counsel to proceed.
1:42:46	objection overruled.	Overrules speculation objection; favors plaintiff witness testimony.
1:57:30	Object overruled.	Overrules objection to keep plaintiff's testimony line alive.
1:58:42–2:00:14	Judge personally questions Andy Lord about corrected spec sheet and addendums.	Acts as advocate, conducting examination that advances plaintiffs' case. Post trial it was brought to his attention that Lords answer was a lie.
2:07:53–2:07:55	You can't just say that. You need to establish it through the witness...	Holds defendant to stricter standard than plaintiffs; inconsistent application of rules.
4:40	Well before you can make reference or offer the exhibit, you need to establish that that's the exhibit, right? You need to establish from	Explains evidentiary rules in a way that supports the plaintiff's objection, acting like an advisor instead of neutral arbiter.

	testimony from the witness, what it is and whether or not it meets the admissibility as a business record	
5:02	Well, you can have him look over them but you have to ask the I mean, again, got you, is this things you have to do	Instructs the defendant step by step on procedure, effectively tutoring against admission rather than simply ruling.
5:07	for things to be admitted.	Editorializes about procedure, reinforcing the plaintiff's position.
7:09	Well, I'm going to, why don't you show why don't you show the record to the witness and ask him what you're going to ask him, and I'm going to defer any ruling Okay, he he did. You may be able to show him, maybe ask him about it, with it, actually, without it being admitted. So show him	Guides how the defendant may proceed without formally admitting evidence, narrowing scope of use.
7:32	Just show it to the witness and then ask whatever question you want to ask about it	Directs process, limiting defense's ability to use document freely.
12:56	Right but that doesn't , this	Begins to editorialize mid-ruling, undercutting defense argument about business records.
13:00	yeah. I'm not sure. Text messages, just because they're saved, make them business records. There are other parts of the rule that are, that are, need to be complied with. So I mean, if they're not, if there's no objection, it's one thing.	Downplays defense's business record argument, essentially bolstering plaintiff's objection.
14:04	right? But you don't get to offer your own out of court statements. You he can't offer your out of court statements, but you don't get to offer your out of court statemenents	Cuts off defense's attempt to clarify and admits only plaintiff's framing.
14:16	But so I'm going to sustain the objection because of the	Announces ruling in a way that validates opposing counsel's line.
14:28	Well I think you have to, no, I think you have to prepare, I mean, as you're presenting it, it has stuff that's not admissible. So I'm sustainable the objection.	Actively critiques defense presentation rather than simply ruling, reinforcing Monteleone's objection.
14:53	all I can rule on it before me. Now which is objectionable. So the objection is sustained that's no prejudice to anything that may be offered in the future.	Preemptively insulates ruling from appellate challenge by adding commentary, which benefits plaintiffs.
25:46:00	you've, you've this question's been answered.	Cuts off defense cross-examination, protecting witness from having to answer damaging contradictions.
26:37:00	Is it marked?	Interrupts defendant's impeachment flow to insert procedural check, creating extra barrier.
27:08:00	a prior inconsistent statements don't make a whole document admissible.	Explains rules in a way that reduces impact of defense impeachment evidence.
28:16:00	You can't comment.	Stops defendant from challenging a false statement made by the witness.
33:47:00	Objection sustained obviously you can, just as you did with this last one, the the prior	Limits defense impeachment value while reinforcing plaintiff's position.

	inconsistent statement itself was read and is admitted	
34:00:00	but that doesn't make the whole affidavit admissible. If there are others you want to ask him about, feel free to do that.	Again narrows defense impeachment tools, functioning as advisory to plaintiffs.
40:13:00	Objection overruled	Though appearing favorable, the ruling comes after unnecessary delay and commentary, showing inconsistent standards.
46:12:00	Objection overruled	Only overrules when witness already deflected; minimizes defense benefit.
47:48:00	You need to focus on your questions.	Interrupts defense, restricting ability to provide context.
51:19:00	I mean, he's addressed it objection sustained	Protects witness from further contradiction, sustaining objection without real grounds.
51:25:00	How much time do you think you have left with this witness?	Interrupts to manage defense time, imposing pressure on cross-examination length.
2:39	How is that relevant?	Cuts off a line of questioning by asserting irrelevance without letting argument develop.
2:42	now you're going far afield. I get your point. Okay, you made the point.	Dismisses defense's attempt to develop testimony, restricting line prematurely.
2:52	If you want to testify, you'll get a chance. You need to ask questions.	Accuses defendant of testifying rather than questioning, silencing his explanation.
2:58	I understand just move on	Curt dismissal that again shields witness from defense follow-up.
6:44	Sustained	Abrupt ruling cutting off defense testimony about COVID-related construction delays.
8:29	just ask your question.	Stops defense from giving context, again privileging plaintiff's framing.
11:39	We've been through this	Terminates defense impeachment attempt prematurely.
40:20:00	It's not a proper objection. 2022 is admitted.	Dismisses defendant's attempt to admit full context (Rule of Completeness). Appears to aid plaintiff by keeping evidence one-sided
~3:53	Objections overruled.	Overrules objection to Defendant's relevance/scope point as he explains plaintiff's misidentification; swift ruling without allowing foundation suggests impatience toward defense context.
~4:xx	Objection sustained.	Sustains hearsay objection as Defendant narrates sequence; pattern of sustaining against Defendant while he lays foundation.
~9:00	Yes.	Admits Exhibit 17 in full but later restricts Defendant from reading portions needed

		for context; toggling limits Defendant's presentation.
~10:xx	Well, you haven't offered the recording.	Interjects mid-answer to highlight a foundation gap; technically correct but used to cut off narrative flow while Defendant tries to authenticate.
~10:xx	So I'm going to sustain the objection.	Sustains again immediately after pointing out foundation gap, preventing Defendant from explaining the meeting's significance.
~11:20	These are in evidence you don't need to read them you know.	Cuts Defendant off while reading texts that frame his position; minimizes probative value and restricts context.
~11:45	Is this meeting on the 5th?	Directed questioning that narrows timeline in a way consistent with plaintiff theory that termination already occurred.
~11:50	So, this is after you terminated the contract?	Leads witness toward a concession helpful to plaintiff's breach framing.
~12:05	You said that. But where did they say you're right?	Adopts the role of cross-examiner challenging Defendant rather than neutrally receiving testimony.
~12:20	They say you can't do this to these people.	Supplies plaintiff-friendly interpretation of texts during Defendant's testimony.
~12:40	Again that letter was offered to point out that they offered you mediation and you denied it.	Injects plaintiff narrative (mediation refusal) while Defendant attempts to impeach the letter's truthfulness.
~16:10	Who prepared the transcripts?	Raises foundation issue to exclude defense-prepared transcript; neutral on its face but follows a pattern of exclusion of defense context.
~16:15	So for that reason alone, if you have the actual recording... There's issues with that as well but it's not a certified transcript.	Preemptively signals multiple hurdles to defense evidence, discouraging its use.
~21:10	The text message is OK.	Allows text but then...
~21:20	You don't have to read the text.	Quickly curtails Defendant's use of the permitted exhibit; tone appears impatient.
~21:28	No stop.	Abruptly halts Defendant mid-explanation.
~21:29	No no no you're not going to, that's hearsay.	Shuts down background context with emphatic directive; adversarial tone.
~21:30	Let's move on.	Forces topic change while Defendant attempts to provide foundation.
~22:20	Yeah but you're stuck with them.	Tells Defendant he's bound by contracts as a conclusory statement during testimony, echoing plaintiff's stance.
~22:40	No no no you signed, why would you sign a contract saying you're going to finish a house...	Sounds like plaintiff's cross; presses Defendant on reasonableness rather than letting counsel do so.
~22:50	...but you claim to be knowledgeable about building,	Impeaches Defendant's expertise; prosecutorial tone.

~23:10	...and you agreed to finish the house by a certain date... Why would you agree to finish the house by a certain date when you know you can't do it.	Continues cross-exam style challenge supportive of plaintiff theory.
~33:37	You can't do this... we can't sit here all day.	Prevents Defendant from walking exhibits; restricts defense proof presentation.
~35:45	It's admitted.	Admits Exhibit 14 after plaintiff has no objection; shows he can admit defense evidence but earlier comments still limited narrative.
~38:50	But in the March 12th email. Number one, you're talking about your March 12th response.	Redirects to plaintiff's selected exhibit sequence, not Defendant's broader response letter.
~39:50	Well, you technically can't offer a letter you wrote anyway, so I understand your testimony.	Precludes Defendant's own letter while accepting its existence; keeps plaintiff's letter central.
~40:05	So you also said in this email... 'I'm not interested in working something out.'	Reads plaintiff-favorable snippet to impeach Defendant's narrative of cooperation.
~40:20	Well, that's a legal argument, but you were just saying it's a factual thing... On March 12th you said, I'm done.	Recasts Defendant's testimony to align with plaintiff abandonment theory.
~40:30	So how is it relevant that it took him another month to file a suit after you told him all about it.	Further reframes timeline in plaintiff's favor.
~44:10	Objection overruled, so I mean did all those people... get paid at your ultimate closing?	Overrules but immediately questions in a way that advances plaintiff's mitigation argument.
~44:40	So, if none of that stuff caused you to not close with your ultimate seller, why is it a legitimate reason not to close with Mr. Pierce?	Advocacy-like causation argument aligning with plaintiff's theory.
~45:10	But what you're complaining... Yeah, you ultimately were ultimately paid.	Minimizes harm by emphasizing later payment to undercut defense justification.
~45:50	Well, that would be an unpaid upgrade.	Re-labels Defendant's point to fit judge's chosen categories; narrows issues.
~46:00	Right.	Affirmation while steering narrative.
~46:30	So again, you read the contract and there's no... document suggesting you said 'Okay I've done all these things. I need to get paid for them.'	Frames lack-of-documentation theme consistent with plaintiff's position.
~48:20	I mean, one reason is because you're threatening not to close and they don't want to.	Supplies plaintiff's motive to explain concessions; advocacy tone.
~49:30	When they asked for upgrades... we need to amend the contract before I agree to do this.	Admonishes Defendant with what he 'should have done,' mirroring opposing counsel's critique.
~49:50	Well, you're supposed to be the expert. You're supposed to be the contractor building the house.	Undermines Defendant's credibility/expertise in front of fact-finder.
~1:01:32	Yeah, I've seen the documents.	Cuts off further foundation about unsigned spec sheet.
~1:01:50	So what does that get you?	Challenges the legal relevance mid-testimony.

~1:02:05	So how can you claim that there is unpaid... If there's no spec sheet that the two of you agreed to, how can you claim that there are unpaid offerings?	Presses a plaintiff-favorable contradiction while Defendant testifies.
~1:03:00	The reason it's relevant, though, is part of your justification for not closing	Narrates why plaintiff's paving/painting theory matters, reinforcing their theme.
~1:03:32	He filed a lawsuit saying you had a contract and you breached the contract, and you're being caught up in the minutia.	Adopts plaintiff's core narrative and disparages Defendant's evidentiary points as 'minutia'.
~1:04:30	Just answer my question...	Interrupts and channels Defendant to judge-framed issue list, limiting explanatory context.
~1:04:50	So, this alleged embezzlement, unpaid upgrades.	Lists defense theories with skeptical phrasing; 'alleged' minimizes seriousness.
~1:05:10	So, and then the painting	Continues judge-framed checklist, steering testimony.
~1:05:20	And um, and the paving	Same steering; frames issues for plaintiff narrative.
6:49	So that's your defense. Because actually sitting through that day of trial, I came away with it, wondering, what is your justification for? Tell me today, what is your justification for breaching the contract.	Judge challenges the defendant's defense in a manner resembling plaintiff's cross-examination, not neutral inquiry.
7:07	Unpaid upgrades. Did you ever submit change orders from the contract price?	Judge cross-examines defendant by pressing him with leading questions that favor plaintiff's contract theory.
7:47	Sorry, counsel, well, I didn't hear that testimony or see any exhibits that suggested that anybody was telling you... trying to do everything they could to get you to the closing table. Nobody was telling you that it was okay not to.	Judge substitutes personal recollection for the record, undermining defendant's testimony and strengthening plaintiff's narrative.
11:23	I guess it could have relevance to that. So it's admitted. Over objection.	Judge overrules defendant's objection by adopting plaintiff's framing of credibility relevance, not conducting independent analysis.
42:50	How is what is in the contract not relevant to the breach?	Judge echoes plaintiff's argument instead of weighing defendant's position that unsigned pages should not bind him.
43:28	Objection overruled.	Judge dismisses defendant's repeated relevance objections without explanation, defaulting to plaintiff's framing.
50:25-51:21	Objection overruled.	Judge repeatedly overrules defendant's objections to contract exhibits despite claims they were unsigned or fabricated, reinforcing plaintiff's evidence.
1:07:45	Right but you knew the appraiser was going to base a price... based upon what you provided.	Judge interrogates defendant in a prosecutorial style, aligning with plaintiff's theory that defendant misled the appraiser.

1:08:52	Well, that's a separate issue. You seem to be suggesting that because you didn't sign this it doesn't matter.	Judge minimizes defendant's argument about unsigned documents, reframing in plaintiff's favor.
1:09:17	But the testimony here establishes you did more than change just the square footage. There are other changes from the previous.	Judge asserts a conclusion supporting plaintiff's claims, stepping into the role of fact-finder and advocate simultaneously.
1:32:38	And there's change orders... But in this contract, there were changes made to the contract you apparently didn't read them, but...	Judge admonishes defendant for not reading contract changes, echoing plaintiff's narrative rather than staying neutral.
1:33:24	But here you said, it's contractual. There's no written contract that says that Mr. Pierce would pay more than 380,500.	Judge reframes defendant's argument into plaintiff's position, undercutting his reliance on verbal agreements or upgrades.
1:33:59	But in these text messages from the day the contract broke down, you don't bring that up.	Judge challenges defendant by adopting plaintiff's view of the evidence, rather than evaluating both perspectives impartially.
1:34:45	Now this missing money. So you claim that your lender made payments that you never authorized. But Mr. Pierce isn't responsible for that.	Judge absolves plaintiff of involvement before hearing full argument, echoing plaintiff's defense theory.
1:35:52	You're gonna build something contract with the sensible thing to do to say, Hey, before I build this, we need amend the contract make sure I get paid.	Judge lectures defendant in alignment with plaintiff's criticisms, rather than allowing testimony to stand on its own.
1:36:05	That's what contractors do.	Judge generalizes industry practice to undermine defendant's testimony, reinforcing plaintiff's stance.

## VII. Conclusion and Request for Investigation and Action

The documented record of *Pierce v. Rinaldi*, CV-2021-138 reveals a disturbing saga of judicial misconduct. Justice Daniel Billings's conduct in this case was pointed, pervasive, and prejudicial – it was not a momentary lapse, but a sustained course of action that favored one side and subverted justice. **He repeatedly demonstrated bias against a self-represented litigant, aided the opposing counsel's abusive tactics, ignored black-letter law, and allowed perjury and fraud to dictate the outcome of a trial. In doing so, he violated the Maine Code of Judicial**



**Conduct and undermined fundamental due process guarantees. Such actions by a sitting judge are antithetical to the honor of the bench and cannot be excused or overlooked.**

We respectfully request the Maine Committee on Judicial Responsibility and Disability to:

1. **Undertake a Formal Investigation:** Investigate all the above-detailed incidents of Justice Billings's misconduct. This should include reviewing the transcripts of hearings (especially the March 21, 2024 hearing and the trial transcript), the motions and filings in the case, and any correspondence. **The investigation will corroborate the facts stated in this complaint – many of Justice Billings's improper remarks and rulings are preserved in the record, and the pattern of one-sided decisions is apparent from the docket and rulings.**
2. **Hold a Hearing on Judicial Misconduct Charges:** If the investigation confirms (as it surely will) the substance of these allegations, we ask that the Committee file formal charges and conduct a public hearing. Mr. Rinaldi and other relevant witnesses (perhaps even Justice Billings himself) should testify as to what occurred. The goal should be to create a full, transparent accounting of how this case was handled so egregiously.
3. **Recommend Appropriate Discipline:** Based on the findings, the Committee should recommend stern discipline to the Maine Supreme Judicial Court (which I believe imposes final sanctions on judges). In light of the severity, we submit that nothing short of removal or suspension is warranted. This is not a judge who made a minor mistake – Justice Billings betrayed the core of his duties. Short of removal, at minimum a lengthy suspension without pay and a public censure should be on the table. The discipline must

be proportionate to the gravity of “the worst abuse of the legal system in Maine history” that he enabled .

4. **Refer Evidence of Perjury and Fraud for Prosecution:** The Committee should not only address the judge’s role but also ensure that the underlying fraud on the court does not go unchecked. We request that the Committee, in its report or through direct referral, urge the Office of the Maine Attorney General or the appropriate District Attorney to investigate the perjury and fraud that occurred in *Pierce v. Rinaldi*. Justice Billings’s failure to act should not mean that the perpetrators get away with perjury. The plaintiffs lied under oath, and their attorney may have facilitated it. These are potential crimes (perjury, subornation of perjury) and certainly violations of attorney ethics. By referring this matter, the Committee would help restore some faith that the system can self-correct even when one judge tried to bury the truth.
5. **Implement Measures to Prevent Recurrence:** While not strictly within the scope of disciplining Justice Billings, the outcome here suggests possible systemic issues (e.g., how pro se litigants are treated in complex civil cases, or how one judge was able to ignore motions without oversight). The Committee might consider recommending judicial education or rule changes to ensure that, for instance, jurisdictional challenges are always documented and addressed, and that pro se parties are given fair opportunities to be heard. Highlighting these issues in its final report could prompt the Judicial Branch to take corrective action beyond this single case.

**Mr. Rinaldi – and the public – deserve a judiciary that is accountable. When a judge perpetrates or permits a fraud on the court, as happened here, it strikes at the foundation of justice. The only way to begin to repair the damage is through a forceful response by this**

**Committee: acknowledging the wrong, imposing consequences, and thereby sending a message that no judge is above the law and that systemic bias and misconduct will be exposed and punished.**

In closing, the complainant (Mr. Rinaldi) wants to emphasize that he pursued this complaint not out of malice, but out of a genuine desire to shine light on a grave injustice. He entered the legal system believing in its promise of fairness, and instead encountered what felt like a kangaroo court where the outcome was rigged against the truth. If this Committee acts, it can not only bring personal vindication to a wronged individual but also uphold the honor of Maine's courts by showing that even a judge will be held responsible for unethical conduct.

We thank the Committee for its attention to this matter. We have provided specific citations to the record and law to facilitate verification of these claims. We trust that a thorough review will corroborate the allegations. We urge the Committee to do justice by recommending strong disciplinary action against Justice Daniel Billings, and by forwarding the evidence of criminal acts to prosecutors for possible charges against those who suborned or committed perjury in his courtroom.

Requested Remedy: We formally request that the Committee on Judicial Responsibility and Disability find that Justice Daniel Billings has violated Canons 1 and 2 of the Maine Code of Judicial Conduct (specifically Rules 1.2, 2.2, 2.3, 2.6, 2.8, 2.11, 2.15, among others) through the conduct described, and impose the maximum appropriate discipline. **We further request referral of the underlying fraudulent conduct to the Maine Attorney General's Office for investigation of criminal violations (perjury, obstruction of justice). Only through such**

decisive action can public faith in the impartial administration of justice be partially restored after this sordid episode.

## **PART III: JUSTICE BILLINGS CORRUPT HANDLING OF MOTIONS AND EVIDENCE**

### **1.25.24 Defendant's Letter to Court Regarding Recusal Order**

#### **(Exhibit A)**

##### **Justice Billings' Misconduct in Ignoring Defendant's Letter**

Anthony Michael Rinaldi formally wrote to Justice Daniel Billings to contest Justice John O'Neil's improper recusal order, which falsely accused Rinaldi of misconduct and irreparably tarnished his credibility before the court. In his letter, Rinaldi directly refuted O'Neil's slanderous assertions, emphasizing that he had at all times conducted himself with professionalism. He made clear that his website and public protest activity were lawful expressions protected by the First Amendment, not misconduct as O'Neil insinuated.

Rinaldi's letter also laid out that he had been systematically denied due process for nearly three years. Critical motions were never ruled upon, the factual merits of the case were deliberately avoided, and judicial officers continually sidestepped their obligation to address the issues raised.

Despite these glaring violations, Justice Billings chose to ignore Rinaldi's submission entirely, refusing to acknowledge or act on the defendant's legitimate objections.

In doing so, Billings effectively ratified O'Neil's baseless claims and further deprived Rinaldi of a fair hearing. He disregarded the defense's core assertions that the plaintiffs' claims were frivolous, factually contradictory, and based on shifting narratives. Rinaldi's letter specifically detailed how the plaintiffs altered their story mid-case, how their law firm, Bernstein Shur, appeared to exercise undue influence over the process, and how Rinaldi was obstructed from obtaining public records critical to his defense.

Justice Billings' refusal to even acknowledge these concerns was not judicial oversight—it was willful misconduct. By ignoring the letter, Billings perpetuated the denial of due process, endorsed the plaintiffs' abuse of procedure, and signaled that this court would not hold itself accountable to the basic standards of fairness. His silence was not neutrality; it was complicity in a legal charade designed to protect the plaintiffs and their powerful counsel while silencing a pro se litigant.

### **1.29.24 Defendant's Motion to Dismiss 12(b)1 (Exhibit B)**

Anthony Michael Rinaldi, acting pro se, moves to dismiss the lawsuit brought by Drew Pierce and Janice Lariviere for **lack of subject matter jurisdiction under Maine Rule of Civil Procedure 12(b)(1)**. He argues that the plaintiffs **lack standing because their claimed damages are hypothetical and speculative, not actual or concrete**. Rinaldi asserts that the plaintiffs never purchased another home and that their alleged financial damages, including increased property costs, attorney fees, and rate lock expenses, either never materialized or were self-inflicted,

failing to establish the required injury-in-fact, causation, or redressability under standing doctrines.

Rinaldi contends the plaintiffs' allegations of contract breach are based on **false statements and omissions, including misleading text messages and withheld appraisals**. He insists the **plaintiffs, not he, breached the contract through anticipatory repudiation, failure to pay for substantial upgrades, and other misconduct, making their claims frivolous and barred by numerous legal defenses like fraud on the court, judicial estoppel, and unclean hands**. Rinaldi urges dismissal of what he calls "the worst abuse of the legal system in Maine history" so he can move on with his life.

## **2.1.24 Plaintiff's Letter to Court Spickler Order (Exhibit C)**

### **Summary of Document**

- The plaintiffs (Pierce & Lariviere), through counsel (Attorney James Monteleone), write to the Court on February 1, 2024, in Pierce v. Rinaldi to request a status conference.
- Attorney Monteleone references Justice O'Neil's prior recusal order, describing it as "a result of the defendant's conduct in the litigation."
- Plaintiffs ask the Court to set a conference to discuss next steps and scheduling given Justice O'Neil's recusal.
- The letter cites concerns about the defendant's "continued conduct that interferes with the administration of justice and places unreasonable demands on court staff and judicial resources."

- Monteleone asserts that the defendant’s actions necessitate court intervention to “maintain order” in the proceedings.
- The letter requests that any future motion practice be held in abeyance until the conference occurs.

#### **Plaintiffs Presented No Evidence for Such an Order**

- Lacks Specific Facts: The letter contains conclusory statements accusing the defendant of misconduct and disruption but does not attach or cite any specific evidence (e.g., affidavits, exhibits, transcripts, quotes) to substantiate those accusations. For instance:
  1. No examples of how Rinaldi’s conduct interfered with justice.
  2. No details about “unreasonable demands” allegedly placed on staff.
  3. No references to specific filings, statements, or actions by Rinaldi supporting the claimed disruption.

#### **Relies on Recusal Order without New Evidence:**

The letter leans heavily on Justice O’Neil’s recusal order but does not present any new evidence of misconduct. It essentially repeats the recusal order’s language without independent factual development or corroboration.

#### **No Legal or Factual Basis for Abeyance:**

The letter requests that the court halt motion practice until the conference but offers no legal authority or factual showing why this is necessary. Courts require actual facts—not speculation—to justify limiting a litigant’s access to file motions.

#### **Fails to Address Defendant’s Claims:**

The letter doesn't rebut Rinaldi's prior assertions that his website and protest activities were lawful, nor does it counter the evidence Rinaldi claims he has submitted showing the plaintiffs' alleged misconduct or misrepresentations.

**Conclusion:**

In essence, while the plaintiffs' letter seeks to influence court procedure, it reads as an advocacy piece rather than an evidence-backed request. It calls for court action but does not prove with specific facts that Rinaldi's conduct justifies the restrictions sought.

## **2.9.24 Letter to Court Frivolous Spickler (Exhibit D)**

**Summary:** Anthony Rinaldi writes to Justice Billings to respond to the plaintiffs' letter dated February 1, 2024. He argues that the **plaintiffs' accusations of frivolous and vexatious litigation are baseless** and **appear only after three years of litigation**, suggesting the timing is **strategic** because **plaintiffs know they cannot effectively oppose his pending Rule 12(b)(1) Motion to Dismiss for lack of subject matter jurisdiction**.

Rinaldi asserts that the **plaintiffs' alleged injuries are purely hypothetical and that they lack evidence to prove causation or actual damages, undermining standing**. He disputes plaintiffs' characterization of his motion as **relying solely on plaintiffs' non-residency, clarifying that his primary argument is the speculative nature of their damages**.

He criticizes the **plaintiffs' earlier filings, particularly the May 2021 emergency hearing, where he claims plaintiffs blindsided him with new affidavits and an entirely new narrative unrelated to their original complaint**. He accuses plaintiffs' attorney, James Monteleone, of



misleading the court, including making false statements about an affidavit that does not exist. Rinaldi cites deposition testimony where plaintiff Drew Pierce admitted not knowing why the property closing fell through, contradicting prior representations.

Rinaldi strongly opposes a status conference, calling it unnecessary and a waste of judicial resources, arguing that resolving jurisdictional questions should take priority. He asks the court to hold off on deciding the plaintiffs' request for a conference until plaintiffs file their opposition to his dismissal motion.

## **2.9.24 Motion for Rule 11 Sanctions (Exhibit E)**

### **Core Allegations**

- **Fraud and Abuse of Process** - Rinaldi seeks sanctions under Maine Rule of Civil Procedure 11 against Attorney James Monteleone and the law firm BernsteinShur. He claims they knowingly filed frivolous, false, and malicious pleadings to defraud him.
- **Conspiracy Allegations** - Rinaldi alleges Monteleone, other BernsteinShur attorneys, and several real estate agents conspired to misuse the legal system to steal funds from him, describing this case as the “worst abuse of the legal system in Maine history.”

### **Key Factual Claims**

- **Construction Dispute** - Rinaldi built a custom home but could not afford labor costs, working himself extensively. Near closing, he discovered ~\$90,000 was paid out by his bank (Lincoln Capital) to contractors without his consent, allegedly directed by realtors involved in the deal.

- **Ex Parte Complaint** - Plaintiffs filed an Ex Parte Verified Complaint to attach Rinaldi's property. Rinaldi claims it was based on fabricated text messages, omitting key facts such as unpaid upgrades, paving, and escrow disputes.
- **Fabricated Evidence** - Rinaldi asserts that during a May 20, 2021 hearing, Monteleone misled the court by falsely claiming there was an affidavit stating the plaintiffs believed paving had been completed in blacktop. Rinaldi says no such affidavit exists, and he has a recording disproving plaintiffs' new allegations.
- **Pattern of Misconduct** - He accuses Monteleone of:
  - Filing a fraudulent ex parte complaint.
  - Committing perjury in court statements.
  - Filing a frivolous cross-motion for summary judgment.
  - Abusing discovery through delay tactics and false filings.
  - Committing torts slander, wrongful use civil proceedings, abuse of process.

#### **Systemic Issues at BernsteinShur**

- **Rinaldi alleges multiple BernsteinShur attorneys engaged in or failed to stop unethical conduct.** He claims the firm's leadership ignored his complaints despite extensive evidence

### **2.20.24 Plaintiff's 9th Motion to Enlarge (Exhibit F)**

#### **Summary – Plaintiffs' Ninth Motion to Enlarge**

Plaintiffs Drew Pierce and Janice Lariviere ask the Court to extend their deadline to respond to two pending filings by Defendant Anthony Rinaldi: (1) a motion to dismiss, and (2) a motion for sanctions.

They want this extension to last until the Court decides whether to allow them to file for a “Spickler Order.” A Spickler Order would restrict Rinaldi from filing motions or appeals unless first reviewed and approved by a lawyer or the Court, to ensure they’re not frivolous.

Plaintiffs argue the extension is justified because:

- Rinaldi’s motions allegedly show the need for a Spickler Order, as they’re part of a pattern of frivolous filings meant to delay trial and increase plaintiffs’ legal costs.
- Since January 2023, Rinaldi has filed about two dozen motions and four interlocutory appeals, repeatedly causing delays.
- Rinaldi’s current motion to dismiss improperly raises factual arguments unsuitable for dismissal and violates the case’s scheduling order, which closed the window for dispositive motions in September 2022.
- Rinaldi’s sanctions motion makes broad accusations, including ethics violations against attorneys not even involved in the case.
- Rinaldi’s latest appeal was dismissed outright by the Law Court as improper.

Plaintiffs emphasize they have not excessively delayed the case themselves, noting their last motion to enlarge was over a year ago, and only to adjust deadlines after Rinaldi’s interlocutory appeal had stayed the case.

They conclude that an extension is necessary to avoid wasting further resources until the Court decides whether to impose restrictions on Rinaldi’s future filings.

**Relief Requested:**

Plaintiffs ask the Court to enlarge their deadlines to object and respond to Rinaldi's pending motions until after the Court rules on whether to allow them to seek a Spickler Order.

## **Reasons Plaintiffs' Motion Should Be Denied for Lack of Evidence**

### **1. No Evidence of Frivolous Filings**

- Plaintiffs broadly accuse Rinaldi of filing "frivolous" motions to delay trial and increase costs.
- However, they do not attach or cite any specific rulings where the Court found Rinaldi's motions frivolous.
- Mere volume of filings is not proof of frivolousness; a party has the right to file motions to protect their legal position.

### **2. No Evidence Linking Motions to Delay**

- Plaintiffs claim Rinaldi's motions have delayed the trial but provide no docket entries, dates, or orders showing that any specific motions caused delay beyond normal litigation timelines.
- Courts expect complex litigation to generate motions; without proof these were baseless, the Plaintiffs' accusations are speculative.

### **3. No Factual Affidavits or Exhibits**

- Plaintiffs submitted no affidavits, exhibits, or sworn statements verifying that Rinaldi's filings were filed in bad faith.
- Their motion relies entirely on attorney argument, which is not evidence.

### **4. Spickler Order Requires a Factual Record**

- Courts issue Spickler Orders only where there's a factual record of persistent, documented abuse of litigation process.
- Plaintiffs have not provided the Court with factual findings, prior sanctions, or judicial warnings against Rinaldi that would justify such an extreme order.

#### **5. No Explanation Why Responses Can't Proceed**

- Plaintiffs offer no concrete reason why they cannot simply respond to Rinaldi's pending motions now.
- The pending motions have deadlines, and delaying responses merely postpones resolution of the case.
- Plaintiffs' request for indefinite delay until the Spickler issue is resolved risks further prolonging the proceedings.

#### **6. Prior Delays Not Substantiated**

- Plaintiffs attempt to shift blame to Rinaldi for all delays but provide no objective timeline or evidence of who caused what delay.
- Without factual proof, this is merely argument.

#### **Conclusion:**

Plaintiffs' motion should be denied because it relies on accusations without factual proof. They have not provided any admissible evidence to substantiate that Rinaldi's motions are frivolous or that responding to them now would cause unfair prejudice. The Court should require Plaintiffs to meet existing deadlines or, at minimum, provide solid evidence before granting further delay.

## **2.22.24 Emergency Request for Non Testimonial Hearing**

### **(Exhibit G)**

**Summary:** On February 20, 2024, Defendant Anthony Rinaldi wrote to the Clerk of the Cumberland County Superior Court requesting an emergency non-testimonial Zoom hearing under Maine Rule of Civil Procedure 7(g).

**Purpose of Hearing Request:**

- To address Plaintiffs' inability to oppose Defendant's Motion to Dismiss.
- To discuss Plaintiffs' repeated delays through their 9th Motion to Enlarge.

**Defendant's Arguments:**

- Plaintiffs have ignored Defendant for 6 months.
- Plaintiffs have filed nine motions for enlargement of time.
- Plaintiffs have presented no prima facie evidence or any evidence during summary judgment proceedings.
- Defendant previously requested a pre-trial conference about Plaintiffs' lack of evidence, but the request was denied, with the judge stating Plaintiffs must prove prima facie at trial.
- Defendant finds it unreasonable that Plaintiffs claim Defendant's motions are frivolous yet seek delay rather than filing an opposition.
- Request:
- Defendant requests an emergency non-testimonial hearing to address these issues promptly.

- Defendant has attached “Exhibit A” to support his claims of frivolousness and to counter Plaintiffs’ allegedly slanderous allegations.

## **2.22.24 Defendant’s Opposition to Plt’s 9<sup>th</sup> Motion to Enlarge**

### **(Exhibit H)**

#### **Summary**

- Defendants (Rinaldi and Southern Maine Construction) strongly oppose the Plaintiffs’ (Pierce and Lariviere) 9th request for more time (“Motion to Enlarge”) to respond to pending motions, including Rinaldi’s Motion to Dismiss for lack of subject matter jurisdiction under Rule 12(b)(1).

#### **Rinaldi accuses Plaintiffs of:**

- Making a mockery of the legal system.
- Filing a frivolous lawsuit and repeatedly delaying proceedings.
- Attacking him personally and professionally without evidence.

#### **Rinaldi’s key arguments:**

- Plaintiffs have not shown good cause for an extension.
- Plaintiffs have had the Motion to Dismiss since mid-January but waited until the last minute to request more time.

- Plaintiffs claim Rinaldi's motions are frivolous and intended to delay—but provide no specific evidence
- Plaintiffs have filed 8 prior motions to enlarge, plus this one, contributing significantly to delays.
- Plaintiffs allege Rinaldi's motions don't affect jurisdiction, but Rinaldi insists his Motion to Dismiss is grounded in lack of standing and hypothetical damages, which are jurisdictional issues.
- Plaintiffs' reliance on procedural deadlines (arguing Rinaldi's motions are untimely) is misplaced because jurisdictional motions can be filed anytime.

**Rinaldi further argues:**

- Plaintiffs' recent filings, including their 2/1/24 letter accusing Rinaldi of frivolous litigation tactics, contain no supporting evidence.
- The Plaintiffs should have addressed any issues in their opposition to the Motion to Dismiss instead of seeking delay via a Spickler Order or gag order.
- Plaintiffs falsely blame Rinaldi for delays despite ignoring him for six months in 2021 and filing multiple motions to enlarge.

**Conclusion:**

Rinaldi urges the court to deny Plaintiffs' Motion to Enlarge, resolve his Motion to Dismiss for lack of jurisdiction, and end what he calls "the worst abuse of the legal system in Maine history."



### **3.11.24 Plaintiffs Reply Brief Motion to Dismiss & Sanctions**

#### **(Exhibit I)**

##### **Summary:**

Plaintiffs Drew Pierce and Janice Lariviere seek more time to respond to Defendants Rinaldi and Southern Maine Construction's motion to dismiss and motion for sanctions. They want this delay until the court rules on their earlier request for permission to seek a Spickler Order, intended to limit what they call Rinaldi's abusive filings.

##### **Plaintiffs' Arguments:**

- Plaintiffs argue they do not need to prove Rinaldi's motions are frivolous at this stage.
- They claim the motions "speak for themselves" as frivolous or baseless, citing:
- Rinaldi's Rule 12(b)(1) motion allegedly fails on its face because it does not affect the court's jurisdiction.
- Rinaldi's sanctions motion allegedly fails to show any facts supporting a Rule 11 violation.
- Plaintiffs assert Rinaldi has filed about two dozen motions in the past 14 months, which they view as tactics to delay trial and increase their legal costs.
- They note Rinaldi himself admitted using his backlog of motions as justification to delay trial settings in 2023.

##### **Request:**

Plaintiffs ask the court to extend their deadlines to oppose the pending motions until the court decides whether to issue a Spickler Order restraining Rinaldi from further allegedly frivolous or dilatory filings.

### **Why Plaintiffs' Argument Lacks Proof:**

- Plaintiffs claim they don't need to prove Rinaldi's motions are frivolous, insisting the motions "speak for themselves." But simply asserting motions are frivolous without providing specific evidence or examples leaves their argument conclusory and unsupported.
- Plaintiffs vaguely state that Rinaldi's motions fail "on their face," yet don't cite any specific legal flaws, facts, or precedent demonstrating how those motions are frivolous.

For instance:

- Regarding Rinaldi's Rule 12(b)(1) motion, Plaintiffs just say it doesn't affect subject-matter jurisdiction but don't analyze its text or explain why jurisdiction unquestionably exists.
  - Regarding Rinaldi's sanctions motion, they say it doesn't show facts for a Rule 11 violation but don't identify the actual deficiencies in Rinaldi's allegations.
- Plaintiffs rely heavily on the number of motions Rinaldi has filed (e.g. two dozen filings), arguing this is evidence of dilatory tactics. But volume alone doesn't prove frivolousness. A party can file numerous motions that are legitimate. Plaintiffs offer no substantive analysis of the content or merit of those filings.
- Plaintiffs claim Rinaldi admitted to using motions to delay trial. But even if Rinaldi referenced his pending motions as a reason to adjust trial scheduling, that doesn't

automatically make those motions frivolous or justify halting further filings through a Spickler Order.

- Ultimately, Plaintiffs are asking the court to postpone deadlines and impose restrictions on Rinaldi without providing concrete proof that Rinaldi’s motions are meritless, frivolous, or filed in bad faith. Courts generally require more than accusations—they require factual or legal evidence showing abuse of process.

Plaintiffs’ reply fails to prove their case because it lacks specific factual or legal proof showing Rinaldi’s motions are frivolous. **Their arguments rest largely on broad accusations and conclusions, not on evidence or detailed legal analysis.**

### **3.21.24 HEARING Motion to Dismiss 12(b)1, Spickler**

#### **(Exhibit J)**

##### **Context of the Hearing**

- Defendant Rinaldi’s Motion to Dismiss and Motion for Sanctions
- Plaintiffs’ request for leave to seek a Spickler Order and a Gag Order
- Scheduling the trial

##### **Justice Billings’ Conduct and Rulings**

##### **Premature Dismissal of Rinaldi’s Legal Arguments**

- Justice Billings repeatedly characterized Rinaldi’s motion to dismiss as “arguing facts” rather than testing legal sufficiency. While true that a Rule 12(b)(6) motion addresses legal sufficiency, Rinaldi explained he filed a Rule 12(b)(1) motion challenging subject matter jurisdiction for lack of standing—a legal, not factual, issue.

- Despite this, Justice Billings treated the standing argument as purely factual and deferred it to trial, disregarding whether the pleadings alleged a sufficient concrete injury.

A court must determine standing as a threshold matter, even sua sponte. The court may err if it refuses to examine standing merely because factual disputes exist. Standing is a legal prerequisite to proceeding, and if lacking, dismissal is appropriate regardless of potential factual disputes at trial.

### **Inconsistent Treatment of Evidence and Motions**

- Justice Billings repeatedly told Rinaldi that his motions rely on “arguments” rather than admissible evidence.
- However, Rinaldi stated he filed extensive documentary evidence (texts, recordings, documents). Justice Billings discounted these materials as “not necessarily evidence” without examining their relevance or admissibility.
- Justice Billings also suggested that Rinaldi’s multiple motions were consuming more resources than trial itself, casting doubt on Rinaldi’s motives for seeking pretrial resolution.

While it’s true documents require foundation for admissibility, a pro se litigant’s motions deserve at least threshold analysis. Blanketly dismissing filings as “arguments” may indicate bias or misunderstanding of how summary judgment or Rule 12(b)(1) motions can be supported by record materials.

### **Minimization of Concerns About Frivolous Litigation**

- Rinaldi argued he filed motions precisely because he believes the plaintiffs lack evidence and the suit is frivolous. He raised prior issues of evidence being introduced without notice and alleged misconduct.
- Justice Billings stated repeatedly that those were “matters for trial,” refusing to entertain them pretrial, even though Rinaldi sought to eliminate allegedly baseless claims before trial.
- Justice Billings implied that Rinaldi’s extensive motions practice was an attempt to avoid trial rather than protect his rights.

Courts should be careful not to dismiss legitimate procedural or jurisdictional motions as mere “stalling,” especially from a pro se party. Denying a hearing on substantive motions without specific analysis can raise fairness concerns.

#### **Comments That Could Be Construed as Demeaning**

- Justice Billings stated to Rinaldi: “I think this may be an example of a little knowledge being dangerous.”
- He elaborated that reading appellate cases can give pro se litigants a “twisted view” of how courts work.
- Justice Billings repeatedly suggested Rinaldi was attempting to “avoid trial,” despite Rinaldi stating emphatically he wanted trial as soon as possible.:

Judges may certainly explain legal realities to pro se litigants. However, suggesting that Rinaldi’s knowledge is “dangerous,” or that his motions are frivolous without addressing their merits, risks creating a perception of bias or disrespect.

#### **Procedural Ruling on Gag Order and Spickler Order**

- Justice Billings ultimately denied plaintiffs' request for leave to file a gag order, correctly identifying it as an extraordinary remedy unsuitable for this civil bench trial.
- However, he granted leave to plaintiffs to seek a Spickler Order (an order restricting further filings by a litigant deemed abusive), and stayed plaintiffs' obligation to respond to Rinaldi's pending motions until after the Spickler issue is resolved.

Granting a stay on responding to motions based solely on a prospective Spickler motion may prejudice a litigant who seeks timely rulings. No finding was made that Rinaldi's pending motions were frivolous, yet the court deferred them indefinitely. That could raise questions of fairness and due process.

#### **Summary of Justice Billings' Misconduct**

- Premature rejection of standing arguments without proper legal analysis.
- Minimization of pro se filings as mere arguments rather than considering possible evidence attached
- Comments diminishing the litigant's knowledge that could appear dismissive or biased.
- Indefinite delay of pending motions based on a possible future Spickler order, without ruling on the motions' merits.
- Dismissive tone and comments undermined Rinaldi's confidence in the court's impartiality.
- Failure to analyze jurisdictional standing arguments may represent legal error.
- Use of motions practice as grounds to question Rinaldi's motives risks chilling legitimate procedural filings.

### **5.8.24 Motion for Spickler Order (Exhibit K)**

#### **Relief Requested:**

- A temporary Spickler Order enjoining Defendants (Anthony Rinaldi and Southern Maine Construction LLC) from filing any further motions or appeals that could delay the June 13-15, 2024 trial or post-trial proceedings unless:
- The filing is pre-screened and approved by the Court as non-frivolous, or
- The filing is signed by a licensed attorney.

#### **Grounds Cited by Plaintiffs:**

Rinaldi has allegedly engaged in:

- At least 44 motions and appeals in this case.
- Numerous filings including interlocutory appeals, mandamus petitions, motions for recusal, contempt, sanctions, amendments, misjoinder, etc.
- Using pending motions as grounds to seek trial delays (e.g., requests for continuances in Jan 2023 and Aug/Sept 2023 trial settings)

- Filing repeated motions and appeals that allegedly lack merit and serve only to prolong proceedings.

#### **Scope of Requested Order:**

- Temporary (until final judgment).
- Preserves Rinaldi's right to file non-frivolous motions but imposes a screening mechanism or attorney certification requirement.
- Seeks to block further interlocutory appeals unless screened or attorney-signed.

**Conclusion:** Plaintiffs argue a Spickler Order is necessary to prevent further abuse of court process and to ensure the long-pending matter proceeds to trial without delay.

#### **Why Plaintiffs' Motion for Spickler Order is Frivolous**

##### **No Evidence of Frivolousness in Defendant's Filings**

- Legal standard: A Spickler Order is an extreme remedy that requires a detailed showing that the litigant's filings are frivolous or abusive and intended to harass, delay, or multiply proceedings unnecessarily.
- Plaintiffs' motion lists the number of filings (e.g., 44 motions and appeals) but quantity alone is not evidence of frivolousness.
- Some filings may have been meritorious, necessary, or compelled by Plaintiffs' own conduct or court rulings.
- Plaintiffs fail to identify specific motions that were legally baseless, nor do they analyze the substance of those filings to prove abuse



- Simply reciting a number of motions filed does not meet the factual burden for imposing restrictions on a litigant's right to access the courts.

#### **No Findings by Any Court That Defendant's Filings Were Frivolous**

- Plaintiffs cite no rulings where the Court has found any of Defendant's motions or appeals frivolous.
- There's no record that the Law Court or the Superior Court has sanctioned Defendant for frivolous filings under Rule 11 or otherwise.
- A Spickler Order without such predicate findings is premature and overreaching.

#### **Defendant Has a Right to Use Procedural Tools**

- Defendants are entitled to:
- File motions for recusal if they believe bias exists.
- Seek mandamus or interlocutory relief if there's an arguable legal basis.
- Raise procedural or substantive defenses.
- Plaintiffs' motion improperly penalizes legitimate procedural activity, transforming ordinary litigation practice into alleged "abuse."

#### **No Showing of Bad Faith**

- Courts require evidence of bad faith or improper motive for imposing a vexatious litigant order.
- Plaintiffs merely speculate that Defendants are trying to "delay trial," without proving improper purpose.

- A party seeking to delay trial for legitimate reasons (e.g., unresolved motions) is not automatically engaging in misconduct.
- The motion lacks factual affidavits, citations to hearing transcripts, or judicial findings demonstrating bad faith.

#### **Proposed Order Is Overbroad**

- Plaintiffs request that any filing be pre-screened or signed by an attorney.
- This is a severe limitation on the right to access the courts, especially since Defendant Rinaldi appears pro se in some capacity.
- The proposed relief is not narrowly tailored and risks infringing due process by imposing blanket restrictions without a showing of necessity for each type of filing

#### **Contradiction with Principles of Due Process**

- A Spickler Order implicates significant constitutional concerns:
- Access to the courts is a fundamental right.
- Restrictions must be the least restrictive means necessary to protect court resources and the opposing party.
- Plaintiffs' motion seeks to preemptively silence future filings without showing that future filings would necessarily be frivolous.

#### **Speculative Harms**

- Plaintiffs claim Rinaldi's filings "may delay" trial.
- This is speculative. The Court controls its own docket and can deny unnecessary delays.
- Plaintiffs identify no current motion scheduled that is threatening the June 2024 trial date.

## **Conclusion**

**Plaintiffs' motion for a Spickler Order may itself be frivolous or unfounded because:**

- It fails to identify specific frivolous filings.
- It provides no proof of bad faith.
- It seeks overly broad relief that infringes Defendants' due process rights.
- It relies on speculative harms rather than concrete evidence.
- It seeks to limit ordinary litigation rights merely because Defendants are vigorously defending themselves.

**A court applying the proper standard could find the motion unsupported, unnecessary, and possibly sanctionable if it was filed for strategic advantage rather than genuine need.**

## **5.30.24 Defendants Opposition to Plaintiffs Spickler Motion**

### **(Exhibit L)**

**Summary:** Anthony M. Rinaldi (Defendant), appearing pro se, vehemently opposes Plaintiffs' motion for a Spickler Order, calling it frivolous and unsupported by evidence.

- Spickler Orders are rare and require a "detailed showing of a pattern of abusive and frivolous litigation." Defendant argues Plaintiffs have not met this standard.

**Defendant contends:**

- The court lacks jurisdiction until Plaintiffs prove otherwise, making it improper to consider the Spickler motion at all.

- Plaintiffs' Spickler motion is untimely and took 4 months to file despite being only 8 pages long and containing no evidence.
- Plaintiffs and their counsel (Bernstein Shur) have filed numerous frivolous motions themselves, causing delays and abuse of the legal process.

**Plaintiffs' argument is that Rinaldi has engaged in excessive, frivolous filings to delay trial:**

- Plaintiffs cite 44 motions and appeals by Rinaldi, including:
- 3 interlocutory appeals
- Emergency mandamus petition
- 2 motions for recusal
- Multiple motions for contempt or sanctions
- Motions to amend pleadings
- Plaintiffs claim these filings increased significantly once trial was first scheduled in Jan. 2023.

**Defendant responds:**

- None of his motions were frivolous, as alleged.
- Plaintiffs have not cited a single specific example of a frivolous motion or conduct.
- Plaintiffs' motion is merely a tactic to delay addressing the Defendant's own pending 12(b)(1) motion challenging jurisdiction.

**Defendant emphasizes:**

- No trial on the merits has occurred yet; unlike in Spickler, where the injunction followed a full trial.

- Maine courts issue Spickler orders sparingly and only when there's no adequate remedy at law.
- The requested order would cause irreparable harm to Defendant by restricting his ability to defend himself against alleged fraud.

**Defendant cites legal standards:**

- Spickler v. Key Bank (1992) requires evidence of a pattern of abuse.
- Liberty v. Liberty (2002) and other cases show courts often deny such injunctions to avoid overreach.
- Injunctive relief must meet a four-part test including irreparable injury and public interest.

**Ultimately, Rinaldi argues that the Plaintiffs' Spickler motion:**

- Is frivolous and abusive itself.
- Lacks any factual or evidentiary support.
- Seeks to improperly silence the Defendant's legitimate legal defenses.
- He urges the court to deny the motion in full.

### **6.10.24 Motion to Recuse (Exhibit M)**

Defendant Anthony Rinaldi (pro se) moves to recuse Justice Billings under Maine Rule of Civil Procedure 63(b)(2)(A), arguing Justice Billings is biased, has ignored well-established law, and is unfairly siding with Plaintiffs. Defendant calls the case "the worst abuse of the legal system in Maine history."

## **Legal Standard Cited**

- Maine Code of Judicial Conduct, Rules 2.11 and 3.11: judges must recuse if impartiality might reasonably be questioned or if there's personal bias or knowledge of disputed facts.

## **Supporting caselaw cited includes:**

- Charette v. Charette
- Decambra v. Carson
- Hughes v. Black
- Liteky v. United States
- In re United States

## **Main Grounds for Recusal**

- **12(b)(1) Motion Ignored**
  - Defendant argues he filed a motion to dismiss under Rule 12(b)(1) for lack of subject matter jurisdiction because plaintiffs' alleged damages are hypothetical and not concrete.
  - Justice Billings allegedly ignored the well-established rule that the court assumes it lacks jurisdiction until plaintiffs prove otherwise.
  - Defendant claims Justice Billings ruled on other motions and allowed proceedings to continue without resolving jurisdiction first.
- **Misunderstanding of 12(b)(1) vs. 12(b)(6)**

- Defendant asserts Justice Billings wrongly treated the 12(b)(1) motion as though it required assuming all plaintiff allegations were true (which applies to 12(b)(6)), rather than resolving factual disputes about jurisdiction.
- **Spickler Order Leave Granted Without Evidence**
  - Justice Billings granted Plaintiffs leave to file a motion for a “Spickler Order” (an order to restrict further filings as frivolous), even though plaintiffs allegedly presented no evidence to justify it.
  - Defendant argues this unfairly delays his motions and improperly suggests his filings are frivolous.
- **Judicial Advocacy and Bias - Defendant claims Justice Billings:**
  - Criticized Defendant’s multiple filings as wasteful.
  - Acted like an advocate for plaintiffs during hearings.
  - Suggested Defendant is trying to avoid trial.
  - Called Defendant’s interlocutory appeal “frivolous” simply because it was denied, without analysis.
  - Defendant argues that such comments show partiality and create at least an appearance of bias.
- **Unwillingness to Rule on Evidence Pre-Trial**
  - Justice Billings repeatedly insisted that only a trial—not pretrial motions—could resolve disputes about the plaintiffs’ lack of evidence.
  - Defendant contends this is incorrect and that pretrial motions (e.g., motions to dismiss or for summary judgment) exist specifically to avoid unnecessary trials.

### **Defendant's Position**

- Defendant insists his motions were properly filed, supported by evidence, and not frivolous.
- He argues plaintiffs have no witnesses, no evidence, and damages are hypothetical.
- He claims Justice Billings is ignoring established law and is biased in favor of plaintiffs.
- Defendant cites his pro se status and extensive self-education in law and believes his filings should be construed liberally.
- He seeks recusal because the law requires a judge to step aside if impartiality might reasonably be questioned.

### **Relief Requested**

- Recusal of Justice Billings from further proceedings in this matter.

### **Tone of Motion**

- Strongly critical of the court's handling of the case.
- Emphasizes alleged systemic unfairness and bias.
- Cites significant personal effort by Defendant in learning and complying with legal procedures.

**Rinaldi seeks Justice Billings' removal from the case, arguing that the judge's rulings and comments demonstrate bias, a disregard for jurisdictional rules, and unfair treatment favoring plaintiffs—especially by allowing a motion for a Spickler Order without evidence, while refusing to dismiss the case for lack of jurisdiction.**



## **6.10.24 Request Non-testimonial Hearing (Exhibit N)**

The Defendant formally requests that the court schedule a non-testimonial Zoom hearing under Maine Rule of Civil Procedure 7(g). He emphasizes that such hearings are encouraged, quick, and easy to set up.

### **Key Topics the Defendant Wants to Discuss in the Zoom Hearing:**

**1. Jurisdiction Concerns:**

- Defendant argues the court lacks jurisdiction and should dismiss the case immediately if aware of that fact.

**2. Plaintiffs' Admissions:**

- Claims Plaintiffs admitted their original complaint was false.

**3. Multiple Inconsistent Stories:**

- Alleges Plaintiffs have told four different versions of events, raising judicial estoppel issues.

**4. Lack of Prima Facie Evidence:**

- Notes that after three years, Plaintiffs have not presented prima facie evidence.

**5. Lack of Evidence and Witnesses:**

- Asserts Plaintiffs have no evidence left and all their witnesses have dropped out.

**6. Attorney Representation Issue:**

- Defendant raises concern about the possibility of being defaulted for not having an attorney, arguing he is a sole proprietor and not an LLC despite Plaintiffs' claims.

**7. Correction of Business Name Spelling:**

- Wants Justice Billings to correct the spelling of Defendant's business name in the record.

**8. Right to Jury Trial:**

- Complains Justice O'Neil denied his timely jury trial request and that Justice Billings is ignoring case law. He argues this violates his constitutional rights.

The Defendant strongly asserts that the case represents the "worst abuse of the legal system in Maine history" and urges immediate action.

## **6.10.24 2nd Writ of Mandamus - Subject Matter Jurisdiction**

### **(Exhibit O)**

**Petitioner requests the Supreme Judicial Court to**

- Prohibit Justice Billings from exercising discretion until he addresses the Defendant's pending Motion to Dismiss under Rule 12(b)(1) for lack of subject matter jurisdiction.
- Issue a Writ of Mandamus directing Justice Billings to rule on:
  - The 12(b)(1) Motion to Dismiss.
  - Defendant's Motion for Rule 11 Sanctions.

**Core Claims**

- The lawsuit is the “worst abuse of the legal system in Maine history.”

**Plaintiff’s claims are:**

- Based on hypothetical damages (no concrete injury).
- Unsupported by any evidence after over three years.
- Contradictory, with Plaintiffs allegedly telling multiple conflicting stories.

**Key Allegations**

- Justice Billings:
  - Ignored Defendant’s Motion to Dismiss, which legally suspends court jurisdiction until Plaintiffs prove it exists.
  - Allowed Plaintiffs leave to file a Spickler Order (to limit Defendant’s filings) without requiring evidence from them.
  - Threatened to default Defendant for not having an attorney, though Defendant claims he is a sole proprietor and may represent himself pro se.
- Justice O’Neil:
  - Denied Defendant’s jury trial request.
  - Ruled against Defendant repeatedly and allegedly made numerous legal errors.

**Defendant’s Evidence**

- Over 20 texts and 2 recordings allegedly proving Plaintiffs breached the contract.
- Consistent factual narrative by Defendant throughout litigation.

**Plaintiffs lack:**

- Any supporting texts, emails, recordings, or affidavits.
- Prima facie evidence to proceed with claims.

### **Defendant's Legal Position**

- Rule 12(b)(1) Motion:
- Court presumes it lacks jurisdiction until Plaintiffs prove otherwise.
- No rulings or orders should proceed before jurisdiction is established.
- Defendant argues motions to dismiss for lack of standing should be resolved before trial.
- Defendant has filed multiple motions, all allegedly proper and non-frivolous, but courts have refused to address the merits.

### **Relief Sought**

- Prohibition: Prevent Justice Billings from making further rulings until jurisdiction is resolved.
- Mandamus: Compel Justice Billings to rule on Defendant's:
  - Motion to Dismiss (12(b)(1))
  - Motion for Sanctions.

### **Conclusion**

- Defendant claims he faces irreparable harm if forced to trial in a case lacking jurisdiction or evidence.
- Asserts courts have obstructed justice, summarily denying motions without addressing evidence.
- Petitioner emphasizes that this is a unique situation meriting emergency intervention by the Supreme Judicial Court.

## **TRIAL 6.11.24, 7.22.24 - 7.26.24 (Exhibit P)**

The combined effect of perjured testimony and judicial misconduct rendered this trial fraudulent. Witnesses fabricated damages, denied documents, and invented conversations. Plaintiffs' realtor engaged in serial perjury. The presiding Justice, instead of curbing these abuses, actively abetted them through coaching, suppression of defense evidence, and hostile dismissals.

No verdict arising from such a process can stand. The trial was not merely flawed; it was fraudulent. It demonstrates systemic failure and demands investigation by oversight bodies, sanctions for those who committed perjury, and disciplinary review of judicial conduct

# **Fraud on the Court in Pierce v. Rinaldi**

## **I. Introduction**

The trial of Pierce v. Rinaldi was not merely flawed but fraudulent. Witnesses committed repeated perjury on material points, while Justice Billings actively enabled false testimony through bias, coaching, and suppression of defense evidence. This report, based on the Composite Master Index (235 entries), documents how the trial collapsed under fraud on the court.

## **II. Escrow Lies & Misrepresentations**

The most consequential fraud was the inflation of escrow from \$10,000 (appraisal requirement) to \$24,000 (fabricated). Andy Lord swore to this lie, Drew Pierce adopted it, and Billings suppressed evidence proving the truth. This manufactured \$14,000 in false damages and transformed a valid contract into a false breach.

## **III. Spec Sheet Manipulation**

Plaintiffs relied on outdated specification sheets to fabricate obligations like exterior painting, porches, and a fourth bedroom. Updated specs (Exhibit 7) disproved these claims. Billings ignored the corrected documents and cut off defense efforts to present them.

## **IV. Fabricated Damages**

Pierce claimed realized damages without invoices, receipts, or HUD proof. Lord shifted lender-caused costs onto the defendant. Billings permitted speculative damages to stand, inflating plaintiffs' claims.

## **V. Denial of Documentary Evidence**

Lord and Pierce denied the existence of texts and emails that were in fact produced as Exhibits 16–17. Billings cut off impeachment attempts, leaving perjury unchallenged and suppressing the documentary record.

## **VI. Invented Meetings & Conversations**

Both Lord and Pierce testified to in-person meetings that contemporaneous texts prove never occurred. These false meetings were fabricated to create a backdrop for breach claims.

## **VII. Judicial Coaching of Plaintiffs**

Billings repeatedly intervened to assist plaintiffs, asking foundational questions, rephrasing their testimony, and curing evidentiary defects. He ceased being a neutral judge and became an advocate for one side.

## **VIII. Curt Dismissals of Defense**

Billings routinely cut off the defense with phrases like “Move on” and “Don’t worry, yeah,” precisely when exculpatory evidence like HUDs or appraisals was raised. This denied defendant’s right to present his case

## **IX. Disregard of Recusal & Impartiality**

When impartiality concerns were raised, Billings dismissed them outright, saying “If there is a judgment against the defendant, that’s his issue.” This violated Canon 2.11 on disqualification and undermined the legitimacy of the tribunal.

## **X. Minimization of Defendant’s Position**

Billings trivialized defendant's arguments and evidence as distractions or delay tactics. This repeated minimization biased the record and emboldened plaintiffs' perjury.

## **XI. Fraud on the Court: Legal Analysis**

Fraud on the court requires perjury, attorney misconduct, and judicial complicity. All are present here: perjury by Lord and Pierce, counsel's use of falsehoods, and Billings' bias and suppression of truth. This makes the judgment void under Rule 60(b).

## **XII. Remedies & Recommendations**

### **Judicial Remedies**

1. Vacatur of Judgment: Under Rule 60(b), judgments obtained by fraud on the court are void.
2. Rule 11 Sanctions: Plaintiffs' counsel knowingly relied on perjury.
3. Referrals for Perjury: Andy Lord and Drew Pierce committed material perjury.

### **Oversight Remedies**

1. Judicial Discipline – Justice Billings: Violated Canons 1.2 (Integrity), 2.2 (Impartiality), 2.6 (Right to Be Heard), and 2.11 (Recusal).
2. Bar Discipline – Plaintiffs' Counsel: Suborned perjury and presented false evidence.
3. Legislative Oversight – OPEGA: This case reveals systemic vulnerabilities: judges ignoring recusal, attorneys presenting perjury unchecked, defendants silenced.



## Public Policy Implications

This case exemplifies how a pro se litigant, even with overwhelming evidence, can be railroaded by judicial bias and attorney misconduct. It demonstrates the need for stricter recusal rules, stronger penalties for perjury, and greater legislative oversight.

## Conclusion

The trial of *Pierce v. Rinaldi* was not a dispute fairly resolved — it was a fraudulent proceeding where perjury was weaponized and judicial bias guaranteed its success. Every safeguard of due process failed. The judgment is void. Oversight bodies — judicial, bar, and legislative — must act to restore faith in the system.

### I. Witness Contradictions and Fraudulent Testimony

#### A. Escrow Lies & Misrepresentations

Plaintiffs and realtor Andy Lord **lied** about escrow requirements. **They claimed a \$24,000 escrow was required, yet the appraisal required only \$10,000.** The **appraisal** confirm this. This perjury shifted blame onto the Defendant for a failed closing.

#### B. Fabricated Damages

Plaintiffs invented losses: they attributed HVAC and upgrade costs to the Defendant when Drew Pierce himself ordered the work. They alleged Defendant refused to sell out of greed, when texts prove he objected to illegal escrow manipulation. **Damages were fabricated by Plaintiffs' conduct** not Defendant.

#### C. Denial of Documentary Evidence

Lord and Pierce concealed or denied texts, emails, and spec sheets. They denied circulating corrected specs, though discovery revealed versions with Dotloop stamps. They denied contract breaches were raised in texts, though Defendant explicitly wrote “the buyers are refusing to honor the contract.” This constitutes spoliation and perjury.

#### **D. Invented Meetings & Conversations**

Plaintiffs fabricated conversations at the “closing table” and alleged Defendant made in-person demands for more money. Text records prove no such meetings occurred. These are fabrications crafted to mislead the court.

### **II. Judicial Misconduct by Justice Billings**

#### **A. Coaching the Plaintiffs**

Justice Billings rephrased Plaintiffs’ defective questions, supplied missing foundations, and interpreted testimony for them. This violated judicial impartiality and turned the court into an advocate for Plaintiffs.

#### **B. Curt Dismissal of Defense Evidence**

Billings ordered Defendant to “Move on” when introducing the key evidence blocked critical evidence from reaching the record.

#### **C. Prejudgment and Hostility**

Billings characterized defense motions as “delays” and made statements such as “If there is a judgment against the Defendant, that’s his issue,” **showing hostility and presumption of liability.**

#### **D. Failure to Uphold Due Process**

By allowing fabricated damages, speculative testimony, and concealed documents while suppressing defense objections, Billings deprived the Defendant of due process. This was judicial misconduct, not mere error.

## Conclusion

The combined effect of perjured testimony and judicial misconduct rendered this trial fraudulent. Witnesses fabricated damages, denied documents, and invented conversations. Plaintiffs' realtor engaged in serial perjury. The presiding Justice abetted these abuses through coaching, suppression of defense evidence, and hostile dismissals. No verdict arising from such a process can stand. The trial was fraudulent, a systemic failure demanding oversight, sanctions, and disciplinary review.

## APPENDIX: VERBATIM EVIDENCE

### APPENDIX ESCROW

#### Entry 1

- QUOTE (Testimony): Lord (10:28): "I was sharing some of it. But these, these texts, are rather vague."

- CONTRADICTION: He admits he withheld parts of the communication ("some of it"), but then tries to dismiss the actual text evidence as "vague." In reality, the texts reference specific issues — escrow, paving, breach, and offers of money.

- EXHIBIT(S): Exhibit 10 (Appraisal \$10k); HUD March 4/5; Exhibits 16, 17

- ANALYSIS: This is a classic minimization tactic: acknowledging partial truth while downplaying damaging details. A **realtor has a fiduciary duty of candor to his clients. Withholding details while claiming vagueness shows intentional concealment.**

#### Entry 4

- QUOTE (Testimony): Andy Lord  
Testimony: Lord (11:30): “The problem with you not coming to closing was because you weren’t getting the money that you assumed you should get.”

- CONTRADICTION: **This is Lord’s interpretation, not fact. The texts and testimony reference multiple issues (paving, escrow, painting, contractual breaches). Lord reduces the dispute to a single “money issue” to protect the Plaintiffs.**

- EXHIBIT(S): Exhibit 10 (Appraisal \$10k); HUD March 4/5; Exhibits 16, 17

- ANALYSIS: Mischaracterization of evidence under oath is false testimony. It also shows collusion: by reframing the issue as solely “money,” Lord attempts to insulate Plaintiffs from responsibility for failing to honor contractual obligations.

#### Entry 7

- QUOTE (Testimony): Lord repeatedly says, “I don’t see anywhere in here where it said... all it says is I’m not getting the money I want.”

- CONTRADICTION: **He says his interpretation while ignoring texts where escrow, contract obligations, and fairness were discussed.**

- EXHIBIT(S): Exhibit 10 (Appraisal \$10k); HUD March 4/5; Exhibits 16, 17

- ANALYSIS: This is strategic vagueness: pretending not to see inconvenient details in order to weaken their significance. Courts recognize this as evasive testimony intended to mislead.!

#### Entry 52

- QUOTE (Testimony): “This is the original spec sheet of the original designs before he started construction.”

- CONTRADICTION: Admits this spec sheet predates construction, meaning changes could have occurred later. By labeling it “original,” he acknowledges other versions exist. Exhibit(s): Exhibits 16, 17 (Texts showing escrow dispute)

- EXHIBIT(S): nan

- ANALYSIS: Shows that multiple spec sheets existed, undermining later denials. Under Maine contract law, the operative contract should reflect the final, agreed-upon specifications, not outdated drafts.

#### Entry 81

- QUOTE (Testimony): Realtor Andy Lord (1:19:29): 'Probably late February.' Attorney Monteleone (1:19:32): 'At that point in time, was there any objection raised by Mr. Rinaldi as to the escrow withholdings?' Realtor Andy Lord (1:19:40): 'No.'

- CONTRADICTION: Text Message Evidence (February exchange between Matt Dibiase and Defendant):

- EXHIBIT(S): Exhibit 10 (Appraisal \$10k); HUD March 4/5; Exhibits 16, 17

- ANALYSIS: **The February text exchange proves that Defendant did object to the escrow withholdings and was actively disputing them. Realtor Andy Lord’s testimony at trial that there was “no objection” is false, directly contradicted by contemporaneous written**

**evidence. This is a clear instance of perjury at minimum a reckless misrepresentation, with material consequences for the case's outcome.!**

Entry 82

- QUOTE (Testimony): Attorney Monteleone (1:20:24): 'And if there's an objection, how does it go about getting resolved?' Realtor Andy Lord (1:20:27): 'We'd have to negotiate it. And then ultimately, if we couldn't come to agreement, we'd have to go to mediation.'

- CONTRADICTION: **Despite testifying to this standard protocol, Andy did not follow it in your case: When you objected to the escrow withholdings, Andy did not open negotiation with you to resolve it. He did not advise mediation, nor did he set that process in motion.**

- EXHIBIT(S): Exhibit 10 (Appraisal \$10k); HUD March 4/5; Exhibits 16, 17

- ANALYSIS: Andy Lord testified that escrow objections must be handled through negotiation and mediation. Yet, when you objected, he bypassed those steps completely. This contradiction reveals professional misconduct, undermines his credibility, and supports your position that the escrow withholdings were improperly forced through.!

Entry 83

- QUOTE (Testimony): Attorney Monteleone (1:21:02): 'Does the appraiser have to do follow-up work on that (escrow adjustments)?' Realtor Andy Lord (1:21:07): 'They would essentially have to redo the appraisal.'

- CONTRADICTION: If the appraisal already factored in unfinished items and issued a \$10,000 escrow requirement, then saying the appraisal would need to be "redone" is false. The plaintiffs' position directly contradicted the appraiser's actual directive.

- EXHIBIT(S): Exhibit 10 (Appraisal \$10k); HUD March 4/5; Exhibits 16, 17

- ANALYSIS: Misrepresentation / Perjury: Lord's testimony that an appraisal redo was necessary misrepresented the facts and obscured that the plaintiffs themselves inflated escrow beyond the appraiser's order. Bad Faith: Plaintiffs' demand for \$24,000 escrow created a false pretext for termination or leverage, violating the implied covenant of good faith and fair dealing. Evidence of Causation: The sale collapsed not because the appraisal required rework, but because plaintiffs ignored the appraisal's directive and unilaterally demanded a larger escrow.

#### Entry 84

- QUOTE (Testimony): Attorney Monteleone (1:21:19): 'Is that a process that, in your experience, happens quickly?' Realtor Andy Lord (1:21:23): 'No, it does not.'
- CONTRADICTION: Lord presents a rigid, slow system that does not align with how appraisers actually work—especially given that the same appraiser already turned around the February appraisal in just days.
- EXHIBIT(S): Exhibit 10 (Appraisal \$10k); HUD March 4/5; Exhibits 16, 17
- ANALYSIS: The February appraisal proves speed, the equity removes obstacles, and the adjustment was minor. Lord's claim that appraisal changes "do not happen quickly" is contradicted by the facts and demonstrates a pattern of misleading testimony to shift blame onto the Defendant.

#### Entry 85

- QUOTE (Testimony): Attorney Monteleone (1:21:29): 'And I can just clarify based on your understanding, were any of the escrows requested by this appraisal an error?' Realtor Andy Lord (1:21:42): 'No.'

- CONTRADICTION: This is contradicted by the appraisal itself (Exhibit 10), which limited the holdback to \$10,000. The court record and HUD statements show that plaintiffs attempted to expand that figure without appraiser authority. -Lord claimed all escrowed items were part of the “original scope of work.” However, the exterior painting was not in the signed spec sheet or contract.

- EXHIBIT(S): Exhibit 10 (Appraisal \$10k); HUD March 4/5; Exhibits 16, 17

- ANALYSIS: Andy Lord’s testimony is contradicted by the appraisal (Exhibit 10) and the written spec sheet. The escrow amount was inflated (\$24,000 vs. \$10,000 required), and at least one escrowed item (exterior painting) was not in the contract. His statement that all escrows were correct and within the original scope is demonstrably false and misleading.!

#### Entry 89

- QUOTE (Testimony): Attorney Monteleone (1:29:57): 'Did Mr. Rinaldi express that items on the ALT statement constituted Mr. Pierce’s breach?' Realtor Andy Lord (1:30:31): 'No.'

- CONTRADICTION: The HVAC/plumbing bill from Bissonnete was due to Drew Pierce’s hiring of that subcontractor. Drew Pierce pushed for upgrades that were never properly paid for Lincoln Capital raised the Defendant’s loan payoff artificially to create escrow funds benefiting Drew.

- EXHIBIT(S): Exhibit 10 (Appraisal \$10k); HUD March 4/5; Exhibits 16, 17

- ANALYSIS: Lord’s “No” is false and contradicted by multiple pieces of evidence (Bissonnete bill, upgrade invoices, escrow manipulation). This undermines both his credibility and Monteleone’s framing of events, while supporting your position that Plaintiff’s conduct, not Defendant’s, drove the disputed costs and loan inflation.

#### Entry 90



- QUOTE (Testimony): Attorney Monteleone 1:29:57

- CONTRADICTION: The record contains countless text exchanges where Mr. Rinaldi directly complained that the escrow amounts, upgrade costs, and altered HUD/ALT statements were breaches of the contract by Mr. Pierce. In earlier testimony, Lord acknowledged disputes over escrows, upgrades, and who was responsible. That acknowledgment alone is inconsistent with his blanket denial here.

- EXHIBIT(S): Exhibit 10 (Appraisal \$10k); HUD March 4/5; Exhibits 16, 17

- ANALYSIS: Andy Lord's denial ("No") is flatly contradicted by (1) the text messages, (2) his own prior acknowledgments of disputes, and (3) the documentary evidence of unauthorized escrow/upgrade

charges. This is not just a credibility issue; it is direct perjury that undermines the Plaintiffs' narrative and supports the Defendant's argument that the Plaintiffs—not the Defendant—breached the contract first.!!

Entry 92

- QUOTE (Testimony): Attorney Monteleone (1:31:57): 'What efforts were made to try and address concerns that Mr. Rinaldi had raised?' Realtor Andy Lord (1:32:16): 'Through these messages, we were just trying to work through it.'

- CONTRADICTION: Lord gives no examples of efforts. There are no concessions, no documented actions—only vague claims. Evidence (emails/texts) shows plaintiffs only attempted to remove escrow for their benefit but failed. That is not a concession, it's self-serving.

- EXHIBIT(S): Exhibit 10 (Appraisal \$10k); HUD March 4/5; Exhibits 16, 17

- ANALYSIS: This testimony is unsupported and contradicted by the record.

#### Entry 93

- QUOTE (Testimony): Attorney Monteleone (1:32:54): 'What efforts were made to work through it?' Realtor Andy Lord (1:32:33): 'We get...' (trails off).

- CONTRADICTION: This is false. As the buyer's agent, Lord had full authority to negotiate escrow terms with lender/appraiser.

- EXHIBIT(S): Exhibit 10 (Appraisal \$10k); HUD March 4/5; Exhibits 16, 17

- ANALYSIS: This statement is both evasive and misleading Perjury Risk: High

#### Entry 94

- QUOTE (Testimony): Attorney Monteleone (1:32:54): 'Did you have the power to remove the escrow?' Realtor Andy Lord: 'No, it wasn't in my power.'

- CONTRADICTION: Another falsehood. The lender explicitly said it could be removed, just not on on day's notice.

- EXHIBIT(S): Exhibit 10 (Appraisal \$10k); HUD March 4/5; Exhibits 16, 17

- ANALYSIS: Shows a pattern of minimizing his own role.

#### Entry 95

- QUOTE (Testimony): Attorney Monteleone (1:33:17): 'Could the escrow be removed?' Realtor Andy Lord: 'No.'

- CONTRADICTION: This is contradicted by the fact that the parties signed a one-day contract extension already. They could have signed another.

- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17

- ANALYSIS: This reflects a choice not to extend, not impossibility.

#### Entry 98

- QUOTE (Testimony): Attorney Monteleone (1:35:22): 'Were concessions made?' Realtor Andy Lord: 'Yes.' (Contradicted by evidence).
- CONTRADICTION: Text messages show the Defendant never demanded a specific dollar amount to close. The \$17,800 figure comes from the Plaintiffs' offer (removing paving from escrow) — not from any demand by the Defendant.
- EXHIBIT(S): Exhibit 10 (Appraisal \$10k); HUD March 4/5; Exhibits 16, 17
- ANALYSIS: Lord falsely attributes a plaintiff-driven number to the Defendant, creating the misleading impression that Rinaldi was demanding money. This is a mischaracterization: the Defendant's consistent position was that escrow had been inflated unlawfully and had to be corrected, not that he wanted a cash payoff.

#### Entry 99

- QUOTE (Testimony): Realtor Andy Lord (1:37:33): 'Well, at that point, that's when he was trying to figure out how he can make more money, and apparently had a certain dollar amount that he was looking to get to.'
- CONTRADICTION: Dibiase's commission reduction was not a concession for Plaintiffs' benefit. It was an internal correction due to Dibiase's own role in mishandling escrow and contract terms. It is unconscionable and legally incorrect to treat the broker's commission reduction as though it were a concession by the Plaintiffs to settle contract disputes.
- EXHIBIT(S): Exhibit 10 (Appraisal \$10k); HUD March 4/5; Exhibits 16, 17

- ANALYSIS: This is a deceptive framing: Plaintiffs gave up nothing. Lord and Monteleone misrepresented internal brokerage concessions as if they were bargaining chips offered by Plaintiffs, which distorts the financial reality of the deal.

#### Entry 100

- QUOTE (Testimony): Attorney Monteleone (1:40:05): '...' (Transcript shows Lord misframed escrow objections as greed).

- CONTRADICTION: "Attorney Monteleone 1:39:49 Contradiction: By March 4th, the Plaintiffs had already committed anticipatory repudiation (refusing to perform under the contract terms). At that point, the contract was effectively terminated by law. The Defendant had no obligation to accept any late concessions or renegotiations from Lord or Plaintiffs."

- EXHIBIT(S): Exhibits 16, 17 (Texts showing escrow dispute)

- ANALYSIS: Lord frames his "offer" as if the Defendant rejected a reasonable concession, when in reality there was no contract left to salvage. This testimony attempts to portray Defendant as greedy or unreasonable, ignoring the fact that Plaintiffs had already breached.

#### Entry 101

- QUOTE (Testimony): Attorney Monteleone (1:40:37): 'Could an extension have been signed?' Lord implied no — contradicted by evidence.

- CONTRADICTION: The text message confirms that Defendant was not demanding money but objecting to the fraudulent escrow. Lord was fully aware of the Defendant's reasoning — the escrow had to be corrected. His testimony falsely implies Defendant was stalling or inventing excuses.

- EXHIBIT(S): Exhibit 10 (Appraisal \$10k); HUD March 4/5; Exhibits 16, 17

- ANALYSIS: This is crucial: the Defendant's words directly undercut Lord's earlier claim that Rinaldi wanted a specific payout number. The Defendant's concern was escrow accuracy and fairness, not extracting money. Lord's selective framing of this text to the jury is misleading and borders on perjury.

#### Entry 104

- QUOTE (Testimony): Attorney Monteleone (1:41:50): 'What was this text about?' Cross shows it was a response to Lord's threat about Lincoln Capital, not greed.

- CONTRADICTION: The evidence (texts, HUDs, escrow directives) shows the defendant objected because escrow funds were inflated/withheld improperly—not because of profit-seeking. Lord's framing of "greed" contradicts documentary proof that the sticking point was escrow manipulation.

- EXHIBIT(S): Exhibit 10 (Appraisal \$10k); HUD March 4/5; Exhibits 16, 17

- ANALYSIS: Lord misleads the court by substituting a character attack (greed) for the real, provable financial dispute (illegal escrow). This not only distorts the defendant's motive but also shifts blame away from the plaintiffs' anticipatory repudiation.

#### Entry 116

- QUOTE (Testimony): Q: "Loan bumped to provide funds at closing—were you aware?" / Drew: "I don't know." ... later: "I know there was supposed to be escrow funds held back."

- CONTRADICTION: Back-to-back uncertainty followed by confident assertion.

- EXHIBIT(S): nan

- ANALYSIS: nan

### **--- APPENDIX FABRICATED DAMAGES ---**

#### Entry 48

- QUOTE (Testimony): Billings (1:59:17, 1:59:59–2:00:13): “Was there ever an addendum ... to reflect the corrected spec sheet?” → Lord: “No.”
- CONTRADICTION: Addendum 1 contains and/or attaches a detailed spec (e.g., “4 Bd 2.5 Bath, 2,227 Sq ft,” window & door schedules, interior/exterior finishes, insulation R-values, HVAC, electrical, tile, kitchen/bath fixtures, etc.). Buyers signed 9/14/20; Dotloop verification stamps appear throughout the spec pages. “Landing Real Estate ... Andrew Lord” appears on the face.
- EXHIBIT(S): Exhibit 1 (Pre-listing email)
- ANALYSIS: The spec pages are the scope. If Lord says “no addendum captured the corrected spec,” Addendum 1’s spec attachment squarely contradicts that. Under any integration/no-oral-modification clause, only signed writings alter scope/price—precisely what this addendum undertakes to do.

#### Entry 86

- QUOTE (Testimony): Attorney Monteleone 1:26:24
- CONTRADICTION: Drew Pierce testified elsewhere that he did hire Bissonnette HVAC to perform work at the property. That testimony establishes direct involvement and responsibility by the Plaintiff in bringing in a subcontractor at the end of the project.-
- EXHIBIT(S): Invoices; texts; (add specific exhibit when uploaded)
- ANALYSIS: This exchange exposes a material contradiction between Pierce’s testimony and Lord’s testimony. Pierce admits he hired Bissonnette HVAC, but Lord denies it outright. The inconsistency undermines their credibility, highlights an attempt to shift blame and costs, and supports the defense’s position that the Plaintiffs acted outside the contract.

#### Entry 113

- QUOTE (Testimony): Drew: "I simply didn't have the messages... I got a new cell phone... new phone number... couldn't recover those text messages."
- CONTRADICTION: Hardware/number-loss explanation conflicts with subsequent admission of routine deletion.
- EXHIBIT(S): nan
- ANALYSIS: nan

### **--- APPENDIX DENIAL OF DOCUMENTARY EVIDENCE ---**

#### Entry 2

- QUOTE (Testimony): In the same exchange, Lord says he "shared some of it" but also claims the texts didn't say anything specific.
- CONTRADICTION: Contradiction: if the texts were vague, then there was nothing to share — but if he shared "some of it," then the texts clearly weren't vague.
- EXHIBIT(S): Broker emails/texts; Exhibits 16, 17
- ANALYSIS: Contradictions under oath destroy credibility. Under Maine law, when a witness contradicts themselves within the same testimony, it can be treated as evidence of intentional falsehood rather than simple confusion.

#### Entry 5

- QUOTE (Testimony): Rinaldi points out he texted: "the buyers are refusing to honor the contract." Lord admits (15:20): "Yup."
- CONTRADICTION: He was directly included in a group conversation where the breach was explicitly identified, but he said nothing to clarify or explain this to his own clients.

- EXHIBIT(S): Broker emails/texts; Exhibits 16, 17
- ANALYSIS: This demonstrates willful concealment. A realtor who is copied on communications that raise contract breaches has a duty to ensure clients understand. His silence supports the conclusion that he knowingly kept them uninformed to manipulate the outcome.

#### Entry 12

- QUOTE (Testimony): (48:19) “Not that I’m aware of [any texts or emails requesting updated specs].”
- CONTRADICTION: No documentary record exists of any request for updated specs before signing.
- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17
- ANALYSIS: His testimony depends entirely on vague, undocumented claims. If this was truly important, there would be written requests, not after-the-fact verbal excuses.

#### Entry 25

- QUOTE (Testimony): Lord: “We had requested the corrected spec sheet... Exhibit 3 is an email from Matt Dibiase with the updated spec sheet.” (40:31–40:52)
- CONTRADICTION: Lord portrays the corrected spec sheet as originating from Defendant’s agent, downplaying his role. Later admits: “I prepared the spec sheet.” (1:55:29–1:55:33)
- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17



- ANALYSIS: Contradiction = perjury. Misleads court into believing Defendant introduced the changes, when in fact Lord drafted Addendum One for Plaintiffs.

#### Entry 31

- QUOTE (Testimony): Defendant: "Text messages show it was supposed to be signed back in September."

- CONTRADICTION: Discovery produced two versions of same email, one with Lord's signature block under Sarah MacDonald's message.

- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17

- ANALYSIS: Indicates tampering or fabrication of evidence to obscure chain of custody of Addendum

#### Entry 35

- QUOTE (Testimony): Andy LordTestimony: Defendant Rinaldi (2:03:03): "So there's no text between me and you." Lord (2:03:06): "I have no idea."

- CONTRADICTION: Defendant produced texts and recordings showing drywall discussions, and a request to "drywall the garage."

- EXHIBIT(S): Broker emails/texts; Exhibits 16, 17

- ANALYSIS: Lord falsely claimed ignorance of texts. This is an intentional misrepresentation designed to conceal corroborating evidence.

#### Entry 44

- QUOTE (Testimony): Rinaldi: "I have text messages... you ask me sign extensions. You ask me to sign things."

- CONTRADICTION: Concrete evidence that Lord did in fact request signatures in other contexts.

- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17
- ANALYSIS: Shows that Lord could and did facilitate signatures, destroying his “I can’t” defense.

#### Entry 46

- QUOTE (Testimony): Spec sheet unsigned + contradictory testimony + text evidence.
- CONTRADICTION: Lord’s excuses collapse under scrutiny; testimony proven false.
- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17
- ANALYSIS: Contract law requires signed amendments. Maine courts enforce integration clauses strictly. Plaintiffs’ reliance on this is legally baseless.

#### Entry 63

- QUOTE (Testimony): Attorney Monteleone (56:10): 'Move admission of Plaintiff’s Six.'
- Defendant Rinaldi (56:12): 'I object. It’s not the original, it’s a forwarded email... Nor is there an attachment.'
- CONTRADICTION: The email states “attached,” but nothing was attached in Exhibit 6. Lord swore the exhibit satisfied the financing contingency
- EXHIBIT(S): Exhibit 6 (NOT application letter)
- ANALYSIS: An email without its promised attachment cannot fulfill a contractual financing obligation. The Plaintiffs failed to meet the requirement.

#### Entry 64

- QUOTE (Testimony): Defendant Rinaldi: So not only is it not the original, but there's a section removed, and there's no if you look at the email, there's no attachments linked to it, it would be listed on the email. It's not so that attachment is not part of it.

- CONTRADICTION: Two conflicting versions of the same “original” exist. At least one must have been altered or fabricated.

- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17

- ANALYSIS: Producing contradictory versions indicates spoliation or document tampering.

Lord’s testimony adopting it as legitimate was false

#### Entry 65

- QUOTE (Testimony): Defendant Rinaldi 59:06

- CONTRADICTION: Plaintiffs removed part of the email chain. Lord still testified it was the true application letter.

- EXHIBIT(S): Exhibit 6 (NOT application letter)

- ANALYSIS: Editing a forwarded section destroys authenticity. The omission was intentional, concealing context. Lord’s testimony that it was complete was perjury.

#### Entry 66

- QUOTE (Testimony): Attorney Monteleone (59:38): 'It’s missing the attorney-client communication at the top of the page in which a client’s agent communicated with the attorney about the document.'

- CONTRADICTION: Monteleone says the forward section was removed and then says that's why it's there completely contradicting himself

- EXHIBIT(S): Exhibit 6 (NOT application letter)

- ANALYSIS: Contract required lender-issued confirmation. Exhibit 6 fails this standard. Because Plaintiffs never satisfied the financing contingency, they were in breach. Lord’s testimony created the illusion of compliance where none existed.

### Entry 73

- QUOTE (Testimony): Attorney Monteleone (1:10:41): 'Now the closing date — how many times was the closing date extended out?' Realtor Andy Lord (1:10:51): 'Multiple.' Attorney Monteleone (1:10:55): 'A rough estimate of how many times?' Realtor Andy Lord (1:11:00): 'Four to five.' Attorney Monteleone (1:11:07): 'Were any of those extensions due to delays caused by the buyer?' Realtor Andy Lord (1:11:27): 'None, no.'
- CONTRADICTION: Text Message (Matt Dibiase to Defendant): "Closing is getting pushed lender decision." Buyer also requested a massive amount of upgrades, which universally delay construction.
- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17
- ANALYSIS: Lord's testimony is directly disproven. At least one extension was entirely caused by the buyer's lender, and others were delayed by upgrades. His "none" statement is a deliberate falsehood.

### Entry 77

- QUOTE (Testimony): Lord (Direct, 1:11:27): "None, no." (in response to whether buyer caused any delays)
- CONTRADICTION: Text Message (Matt Dibiase to Defendant): "Closing is getting pushed lender decision." Buyer also requested a massive amount of upgrades, which universally delay construction.M
- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17

- ANALYSIS: Lord's testimony is directly disproven. At least one extension was entirely caused by the buyer's lender, and others were delayed by upgrades. His "none" statement is a deliberate falsehood.

#### Entry 87

- QUOTE (Testimony): Attorney Monteleone 1:28:01

- CONTRADICTION: Evidentiary Reliability: Lord's statement is speculative, hearsay, and contradicted by both text messages and the Defendant's sworn denial. Under Maine Rules of Evidence (similar to FRE

801-802), this should not have been admitted as substantive fact.

- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17

- ANALYSIS: Andy Lord's testimony in this excerpt is false and contradicted by documentary evidence (text messages). His statement is also inadmissible hearsay, as he cannot testify to what Defendant

"expected" or "refused" without direct communication. The evidence shows there was no such interaction on March 4 or 5, making Lord's claim not only unreliable but also potentially perjurious.!!

#### Entry 88

- QUOTE (Testimony): Attorney Monteleone (1:29:38): 'Did any of these expenses relate to Drew?' Realtor Andy Lord (1:29:56): 'No.'

- CONTRADICTION: Evidentiary Reliability: Lord's statement is speculative, hearsay, and contradicted by both text messages and the Defendant's sworn denial. Under Maine Rules of Evidence (similar to FRE

801-802), this should not have been admitted as substantive fact.

- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17

- ANALYSIS: Andy Lord’s testimony in this excerpt is false and contradicted by documentary evidence (text messages). His statement is also inadmissible hearsay, as he cannot testify to what Defendant

“expected” or “refused” without direct communication. The evidence shows there was no such interaction on March 4 or 5, making Lord’s claim not only unreliable but also potentially perjurious.

#### Entry 91

- QUOTE (Testimony): Attorney Monteleone (1:31:03): 'In Exhibit 16 line 67, what’s Mr. Rinaldi communicating?' Realtor Andy Lord (1:31:42): 'He’s saying that the buyers are refusing to honor the contract because asphalt is considered the top coat, and gravel is the aggregate base coat, and that it was warm enough outside to paint.'

- CONTRADICTION: This text shows the plaintiffs refusing to honor the contract, not the defendant. Yet plaintiffs claim Rinaldi was the breaching party.

- EXHIBIT(S): Exhibit 2 (P&S; Addendum); Exhibit 7 (Spec Sheet)

- ANALYSIS: There is no counter-text from plaintiffs supporting that Rinaldi breached. The plaintiffs’ reliance on this group text undermines their own narrative.

#### Entry 96

- QUOTE (Testimony): Attorney Monteleone (1:33:49): 'Was there time for another extension?' Realtor Andy Lord: 'No, there wasn’t time.'

- CONTRADICTION: Texts between Matt Dibiase and Lord show Lord actually agreed with Rinaldi and never contradicted him at the time.

- EXHIBIT(S): Exhibit 10 (Appraisal \$10k); HUD March 4/5; Exhibits 16, 17

- ANALYSIS: This is perjury.

#### Entry 97

- QUOTE (Testimony): Attorney Monteleone (1:35:03): 'Did Mr. Rinaldi say...?' (Transcript shows contradiction with texts).

- CONTRADICTION: Makes no sense logically. If plaintiffs truly believed defendant breached, the wouldn't make concessions to close—they'd hold defendant liable.

- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17

- ANALYSIS: Shows plaintiffs' conduct contradicted their trial narrative.

#### Entry 103

- QUOTE (Testimony): Attorney Monteleone (1:41:39): 'What was your understanding of why not?' Realtor Andy Lord (1:41:39): 'That he was trying to make more money, being greedy.'

- CONTRADICTION: Drew testified that he was not involved in communications about why the closin failed. Yet Lord testifies that Drew was physically present at the table with him. This directly undermines

Drew's claim of ignorance—he was not only “involved” but sitting with the key actors.

- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17

- ANALYSIS: This demonstrates either (a) Drew misled the court about his role, or (b) Lord is overstating his testimony. Either way, one of them is untruthful. It also raises credibility issues

because if Drew was present, he necessarily had contemporaneous knowledge of why the deal was collapsing.

#### Entry 105

- QUOTE (Testimony): Attorney Monteleone 1:41:50

- CONTRADICTION: Under cross, Lord admitted this text was made in response to his own threat that Lincoln Capital would take the house—not as a statement of greed or market-flipping by the defendant.

- EXHIBIT(S): Exhibits 16, 17 (Texts showing escrow dispute)

- ANALYSIS: Lord knowingly recontextualizes the text to imply greed, despite his own cross-exam admission that it was a defensive response to a threat from the lender. This is misleading testimony: the statement “I could have it sold next week” was about protecting himself from foreclosure, not trying to gouge the plaintiffs.

#### Entry 109

- QUOTE (Testimony): Defendant: “Any texts, emails, recordings that indicate I breached...?” / Drew: “I’m not an attorney... I don’t know how to answer that.”

- CONTRADICTION: Despite a sworn complaint alleging breach, Pierce professes no knowledge of any texts/emails/recordings showing breach.

- EXHIBIT(S): nan

- ANALYSIS: nan

#### Entry 114

- QUOTE (Testimony): Drew: “I don’t need my messages... I typically delete it.”



- CONTRADICTION: Routine deletion contradicts earlier inability to recover due to device/number change.

- EXHIBIT(S): nan

- ANALYSIS: na

## **--- APPENDIX INVENTED MEETINGS & CONVERSATIONS ---**

### **Entry 3**

- QUOTE (Testimony): Lord (10:53–11:15): “I attempted to call you multiple times, many times...

If we could have had a conversation, I would definitely be able to tell Drew exactly what the problem was.”

- CONTRADICTION: He blames Rinaldi for not answering calls, instead of acknowledging that he was in the same room as Drew and could have spoken to him directly.

- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17

- ANALYSIS: Blame shifting is evasive. The law is clear: agency duty runs to the client. Lord owed Drew and Janice full disclosure regardless of his communication with Rinaldi. His excuse highlights breach of duty and deliberate avoidance.

### **Entry 14**

- QUOTE (Testimony): (46:31–46:36) “In our conversations when we met on site that day, that was what proposed to us. That’s what we made the offer based on.”

- CONTRADICTION: The porch wasn’t built, the fourth bedroom wasn’t finished, and nothing on site matched what he claimed. (46:01)

- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17

- ANALYSIS: He testified to “seeing” features that did not exist at the time. This is physically impossible, proving dishonesty.

## **--- APPENDIX OTHER ISSUES ---**

### Entry 6

- QUOTE (Testimony): Rinaldi: “the paving, painting you never mentioned to them.” Lord: “They were aware of that.”

- CONTRADICTION: His answer is inconsistent with the record. Plaintiffs’ lawsuit and affidavits never mentioned paving or painting disputes. If they truly knew, it would appear in their claims.

- EXHIBIT(S): Exhibit 2 (P&S; Addendum); Exhibit 7 (Spec Sheet)

- ANALYSIS: This is a retroactive lie: he asserts they “knew” only after being pressed. This contradicts both the Plaintiffs’ testimony and the documentary record, proving concealment and perjury.

### Entry 8

- QUOTE (Testimony): At 16:08, Rinaldi asks Lord what Drew thought was happening, since Lord was in the room. Monteleone objects (“speculation”), and Judge Billings sustains.

- CONTRADICTION: Prevents Rinaldi from exposing the fact that Drew testified in deposition that he didn’t know why closing failed, which directly contradicts Lord’s claim that Plaintiffs “were aware.”

- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17

- ANALYSIS: This shows systemic failure: the court protected perjury by cutting off legitimate impeachment. This denial of cross-examination rights deprived the Defendant of due process under Rule 611 and constitutional fairness standards.!

## Entry 9

- QUOTE (Testimony): (28:48) “It was going to be a four bedroom two and a half bath, 2269 square foot house with a farmer porch and a two car garage with a room above it.”
- CONTRADICTION: The signed purchase & sale agreement that Lord prepared says 1,900 sq. ft., 3 bedrooms, 2.5 baths. (47:05)
- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17
- ANALYSIS: If the buyers intended a 4-bedroom, Lord’s duty was to ensure the contract reflected that. He admits knowing the specs yet still drafted and signed a smaller house contract.

## Entry 10

- QUOTE (Testimony): (36:47–36:59) “Yeah, we had requested an updated scope of work.” / “Yes [it’s common practice].”
- CONTRADICTION: Attorney Monteleone asked if it’s common practice to sign a contract that doesn’t match what’s being built, and Lord answered “Yes.”
- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17
- ANALYSIS: No competent realtor allows clients to sign knowingly inaccurate contracts.

Addendums exist precisely to prevent this. Claiming it’s “normal” undermines his credibility.

## Entry 11

- QUOTE (Testimony): (1:49:08) “Because we didn’t have a full spec sheet. Was just a picture of the front of the
- Contradiction: Lord had an August 5th rendering showing the new design and

admits he knew the square footage. He also admits addendums are normally used: (45:20) “Or we do an addendum.”

- CONTRADICTION: nan

- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17

- ANALYSIS: His excuse collapses: he could have used the rendering and an addendum to clarify the deal. Instead, he let his clients sign a knowingly wrong contract.

#### Entry 13

- QUOTE (Testimony): (46:38) “We waited for the updated contract or the updated spec sheet to come back.”

- CONTRADICTION: The updated sheet wasn’t produced until a month later, and only because the appraiser requested it, not the plaintiffs or Lord.

- EXHIBIT(S): Exhibit 10 (Appraisal \$10k); HUD March 4/5; Exhibits 16, 17

- ANALYSIS: His narrative that they were “waiting” contradicts reality: neither he nor the plaintiffs demanded a corrected contract at signing.

#### Entry 15

- QUOTE (Testimony): (49:27) “My testimony is that the contract offer...was based on a four bed, two and a

Contradiction: The written, executed contract clearly contradicts him.

- CONTRADICTION: nan

- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17

- ANALYSIS: Courts rely on written agreements. His insistence that the contract “was based on” a four-bedroom is an attempt to override the plain language of the signed document.

#### Entry 16

- QUOTE (Testimony): “This is the original spec sheet of the original designs before he started construction.”
- CONTRADICTION: Admits this spec sheet predates construction, meaning changes could have occurred later. By labeling it “original,” he acknowledges other versions exist.
- EXHIBIT(S): Exhibits 16, 17 (Texts showing escrow dispute)
- ANALYSIS: Shows that multiple spec sheets existed, undermining later denials. Under Maine contract law, the operative contract should reflect the final, agreed-upon specifications, not outdated drafts.!

#### Entry 17

- QUOTE (Testimony): Attorney Monteleone (27:09): 'Now, are you aware whether the house Mr. Rinaldi was building was previously listed?' Realtor Andy Lord (27:17): 'It was.' Attorney Monteleone (27:36): 'Now when you received Exhibit One in early August of 2020, was the earlier listing... expired?' Realtor Andy Lord (27:49): 'Yes.'
- CONTRADICTION: Makes no sense because the MLS was expired at the time of offer. An expired MLS cannot create binding contractual obligations.
- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17
- ANALYSIS: Suggests an attempt to mislead the court into believing an expired marketing listing governed contractual obligations. That is legally untenable.

#### Entry 18

- QUOTE (Testimony): Attorney Monteleone (27:36): 'Now when you received Exhibit One in early August of 2020, was the earlier listing expired?' Realtor Andy Lord (27:49): 'Yes.'

- CONTRADICTION: Admits that the sheet came from the MLS. Yet, since the MLS was expired, this was a stale document and not a binding part of the agreement.

- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17

- ANALYSIS: Confirms that Plaintiffs relied on outdated documents, which cannot form part of the contract.

#### Entry 19

- QUOTE (Testimony): “The listing was expired.”

- CONTRADICTION: Contradicts his claim that “anything attached to the MLS” becomes part of the contract. He’s effectively saying the contract was built on expired marketing material.

- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17

- ANALYSIS: Shows clear illogic: expired listings cannot override the signed purchase and sale agreement. A material misrepresentation to the court.

#### Entry 20

- QUOTE (Testimony): “Yes.” (to whether he had access to different spec sheets)

- CONTRADICTION: Here Lord admits he had multiple spec sheets available to him. Given his office was next to listing agent Matt Dibiase’s, it’s implausible that he only had one.

- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17

- ANALYSIS: Establishes he knowingly withheld the existence of multiple versions. That undermines his credibility and proves that later denials were false.

#### Entry 21

- QUOTE (Testimony): “No, this was the only one at the time of the offer.”

- CONTRADICTION: Reverses himself after Monteleone reframes the question. Shows witness coaching and intentional deception
- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17
- ANALYSIS: Perjury risk. This contradiction alone disqualifies his testimony as credible. It also shows Monteleone’s role in shaping false testimony.!

#### Entry 22

- QUOTE (Testimony): “The property had gone under contract with some different buyers. They had requested the upgrades, and that’s what prompted the new scope.”
- CONTRADICTION: This explanation makes no sense: if earlier buyers requested upgrades, then by definition two spec sheets should exist—the original and the revised. His own explanation proves that multiple sheets existed.
- EXHIBIT(S): Exhibits 16, 17 (Texts showing escrow dispute)
- ANALYSIS: Self-contradiction. Proves there were at least two spec sheets in circulation when Pierce made his offer. This destroys Plaintiffs’ claim that there was only one agreed scope.

#### Entry 23

- QUOTE (Testimony): Claiming MLS attachments controlled the contract while simultaneously saying the MLS was expired.
- CONTRADICTION: Mutually exclusive statements: if expired, it’s not enforceable; if binding, it can’t be expired.
- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17

- ANALYSIS: Demonstrates deliberate double-speak: “out of both sides of his mouth.” Shows intent to confuse the court.

#### Entry 24

- QUOTE (Testimony): Works for listing agent Matt Dibiase, office next door.
- CONTRADICTION: His professional position guaranteed access to updated spec sheets.

Claiming ignorance is implausible.

- EXHIBIT(S): Broker emails/texts; Exhibits 16, 17
- ANALYSIS: Shows concealment of material facts. Raises inference of bad faith, collusion, and fraud on the court.

#### Entry 26

- QUOTE (Testimony): Lord: “I asked them to sign it... Drew and Janice... did.” (45:01–45:20)
- CONTRADICTION: Confirms Plaintiffs signed Addendum One in Sept 2020, proving change orders existed.
- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17
- ANALYSIS: Destroys Plaintiffs’ claim at trial that “no change orders” existed. Establishes Addendum One as operative document on Plaintiffs’ side.

#### Entry 27

- QUOTE (Testimony): Justice Billings: “Was there ever an addendum... to reflect the corrected spec sheet?”

Lord: “No.” (2:00:13)

- CONTRADICTION: Flatly denies existence of Addendum One, despite earlier testimony and documentary evidence.



- EXHIBIT(S): Broker emails/texts; Exhibits 16, 17
- ANALYSIS: Clear perjury. Fraud on the court by concealing Addendum One.

#### Entry 28

- QUOTE (Testimony): Lord: "We couldn't nail you down... your phone was dead three quarters of the time." (1:57:37)
- CONTRADICTION: Excuse implausible — Lord was on-site daily or weekly and routinely asked Defendant to sign extensions. Then backpedals: "I can't have you sign things, I don't represent you."
- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17
- ANALYSIS: Contradiction shows evasiveness. Texts prove Lord did solicit Defendant's signature, undermining credibility.

#### Entry 29

- QUOTE (Testimony): Defendant: "I'd like to submit... screenshots... Addendum One." (1:55:34)
- Monteleone: "Objection, I have not received a copy..." (1:55:56–1:56:45)
- CONTRADICTION: Monteleone aggressively blocked introduction of Addendum One. Claimed lack of notice despite repeated prior disclosure.
- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17
- ANALYSIS: Suppression of critical evidence = attorney misconduct. Violates duty of candor (Maine Bar Rule 3.3).

#### Entry 30

- QUOTE (Testimony): Billings presses: “Was there ever an addendum... to reflect the corrected spec sheet?” (1:59:59–2:00:13)
- CONTRADICTION: Lord doubles down and lies to the judge directly. Despite Billings’ probing, no accountability followed.
- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17
- ANALYSIS: Judicial failure: allowed perjury to stand, aiding Plaintiffs’ false narrative.

#### Entry 32

- QUOTE (Testimony): Addendum One had Plaintiffs’ signatures but not Defendant’s, nor consideration for added obligations.
- CONTRADICTION: Maine law requires mutual signatures and consideration for valid amendments.
- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17
- ANALYSIS: Addendum One legally unenforceable. Plaintiffs’ reliance while denying existence = bad faith and fraud.

#### Entry 33

- QUOTE (Testimony): Andy Lord (2:02:50): “I directed you to drywall the garage.”
- CONTRADICTION: Defendant’s recording admitted at trial captures Lord explicitly saying that Drew requested the garage to be drywalled.
- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17
- ANALYSIS: This is a direct admission that drywalling was required, not per contract scope, but due to a request by Plaintiff.

#### Entry 34

- QUOTE (Testimony): Defendant Rinaldi (2:02:59): “You didn’t direct me to drywall the whole garage?” Lord (2:03:02): “No, then I said that. I believe it says...” (trails off, evasive).

- CONTRADICTION: Recording clearly shows Lord specifying the garage drywall request was made by Plaintiff Drew Pierce.

- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17

- ANALYSIS: Lord contradicts himself within seconds. First he admits directing drywall, then backpedals. This is textbook perjury (false denial after admitting truth)

#### Entry 36

- QUOTE (Testimony): Lord (2:02:55): “Yeah. There has to be drywall, two layers drywall, because a firewall between the house and the garage.”

- CONTRADICTION: Maine Building Code requires a fire separation wall between garage and living area, not drywalling the entire garage interior.

- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17

- ANALYSIS: Lord deliberately conflated code minimum firewall requirements with Plaintiff’s extra request. This is misleading and dishonest.

#### Entry 37

- QUOTE (Testimony): Lord testified that the garage was not part of the scope and he did not direct full drywall.

- CONTRADICTION: The recording and Plaintiff’s later demands show the garage was indeed added to the Defendant’s work obligations.

- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17

- ANALYSIS: By denying scope changes, Lord supported the false narrative that Defendant breached, when in fact Plaintiff was expanding scope without written addendum.

#### Entry 38

- QUOTE (Testimony): Lord presented himself as merely interpreting contract scope.
- CONTRADICTION: In reality, he acted as an agent expanding scope outside of written terms, and then denied it under oath.
- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17
- ANALYSIS: Violates fiduciary duties of honesty and fair dealing owed by Realtors under Maine law. Trial testimony: evasive, contradictory, misleading.

#### Entry 39

- QUOTE (Testimony): Lord: “You did not [sign the updated spec sheet in September].”
- CONTRADICTION: Correct – but the issue is why he claims Rinaldi didn’t sign.
- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17
- ANALYSIS: Sets up his later inconsistent excuses.

#### Entry 40

- QUOTE (Testimony): Lord: “Because we couldn’t nail you down for anything. Your phone was dead three quarters of the time. Let’s be real.”
- CONTRADICTION: Rinaldi immediately points out Lord was physically present daily or at least multiple times per week, making the “dead phone” excuse nonsensical.
- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17
- ANALYSIS: Excuse collapses; shows Lord was inventing justifications rather than recalling facts.

#### Entry 41

- QUOTE (Testimony): Rinaldi (1:57:48): “You were there daily. So you couldn’t pin me down?”
- CONTRADICTION: Shows Lord’s testimony is false — personal presence disproves excuse.
- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17
- ANALYSIS: Maine case law: State v. True, 438 A.2d 460 (Me. 1981) – inconsistent accounts destroy credibility.

#### Entry 42

- QUOTE (Testimony): Lord (later): “I can’t have you sign things. I don’t represent you. I never represented you.”
- CONTRADICTION: Direct contradiction of his prior excuse. First he blames Rinaldi’s inaccessibility; now he claims it wasn’t his role at all. Exhibit(s): Cross-check with Exhibits 1–10, 16–17
- EXHIBIT(S): nan
- ANALYSIS: Flip-flopping suggests evasiveness. Weakens his credibility as a witness.

#### Entry 43

- QUOTE (Testimony): Rinaldi: “You were there constantly directing me to do things... you’re definitely a very dominant person.”
- CONTRADICTION: Exposes contradiction: Lord claims he didn’t represent Rinaldi, but clearly exercised authority and control over him throughout the project.>
- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17
- ANALYSIS: Maine law views such role-shifting skeptically. Undermines Lord’s neutrality as a realtor.

#### Entry 45

- QUOTE (Testimony): Lord (retreats again): “If I was directed by your agent to talk to you about it, then I would.”
- CONTRADICTION: Attempts to shift responsibility again, contradicting his own admission that he previously asked Rinaldi directly.
- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17
- ANALYSIS: Weakens credibility further — admission he was actively involved despite denial of representation.

#### Entry 47

- QUOTE (Testimony): Lord (1:59:01): “I prepare those. I would send them to his agent... if he signed them, then they’d be part of the transaction.”
- CONTRADICTION: Addendum 1 is titled “ADDENDUM TO AGREEMENT”; it lists the parties (Seller: Anthony Michael Rinaldi; Buyers: Drew Pierce, Janice Lariviere), the property (0 Raymond Cape Rd, Raymond, ME 04071), and is a standard MAR addendum form. It contains added construction obligations (e.g., sheetrock work in the garage; ROW language) and a multi-page spec attachment (beds/baths, windows/doors, finishes, mechanicals). Buyers electronically signed 09/14/20 with Dotloop verification; the addendum shows “Landing Real Estate ... Drew Pierce / Andrew Lord.”
- EXHIBIT(S): Exhibit 1 (Pre-listing email)
- ANALYSIS: Lord admits the normal process is: prepare → send → sign → part of deal. Addendum 1 fits that exact workflow and shows Lord in the stream of preparation/routing. It undercuts any suggestion that addenda weren’t used for substantive build terms.

#### Entry 49

- QUOTE (Testimony): Billings (1:59:49–1:59:59): references timing “more than five days after the original.”
- CONTRADICTION: Addendum 1 expressly says “Addendum to contract dated August 15, 2020” and bears 9/14/20 Dotloop signatures for Buyers, showing the parties continued to formalize material terms in writing during the open transaction window.
- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17
- ANALYSIS: Even if the spec was “corrected” later, the way to make it binding is exactly this—a signed addendum. The date sequence supports course of performance consistent with written modifications.

#### Entry 50

- QUOTE (Testimony): Lord positions himself as the preparer of addenda when needed.
- CONTRADICTION: The addendum shows “Landing Real Estate ... Drew Pierce / Andrew Lord” and multiple Dotloop verification links and stamps.
- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17
- ANALYSIS: This ties Lord directly to the very addendum he denied, impeaching credibility and showing agency involvement in preparing/forwarding the writing.

#### Entry 51

- QUOTE (Testimony): "Attorney Monteleone (28:32): so in the build that that Mr. Rinaldi had outlined what were the specifications of what was being built.

- CONTRADICTION: The signed purchase & sale agreement that Lord prepared says 1,900 sq. ft., 3 bedrooms, 2.5 baths. (47:05)
- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17
- ANALYSIS: If the buyers intended a 4-bedroom, Lord’s duty was to ensure the contract reflected that. He admits knowing the specs yet still drafted and signed a smaller house contract.

#### Entry 53

- QUOTE (Testimony): “Because anything that’s attached to the MLS listing will include as part of the contract.”
- CONTRADICTION: Makes no sense because the MLS was expired at the time of offer. An expired MLS cannot create binding contractual obligations.
- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17
- ANALYSIS: Suggests an attempt to mislead the court into believing an expired marketing listing governed contractual obligations. That is legally untenable.

#### Entry 54

- QUOTE (Testimony): “It was listed on the MLS.”
- CONTRADICTION: Admits that the sheet came from the MLS. Yet, since the MLS was expired, this was a stale document and not a binding part of the agreement.
- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17
- ANALYSIS: Confirms that Plaintiffs relied on outdated documents, which cannot form part of the contract.

#### Entry 55



- QUOTE (Testimony): “The listing was expired.”
- CONTRADICTION: Contradicts his claim that “anything attached to the MLS” becomes part of the contract. He’s effectively saying the contract was built on expired marketing material.
- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17
- ANALYSIS: Shows clear illogic: expired listings cannot override the signed purchase and sale agreement. A material misrepresentation to the court.

#### Entry 56

- QUOTE (Testimony): “Yes.” (to whether he had access to different spec sheets)
- CONTRADICTION: Here Lord admits he had multiple spec sheets available to him. Given his office was next to listing agent Matt Dibiase’s, it’s implausible that he only had one.
- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17
- ANALYSIS: Establishes he knowingly withheld the existence of multiple versions. That undermines his credibility and proves that later denials were false.

#### Entry 57

- QUOTE (Testimony): “No, this was the only one at the time of the offer.”
- CONTRADICTION: Reverses himself after Monteleone reframes the question. Shows witness coaching and intentional deception.
- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17
- ANALYSIS: Perjury risk. This contradiction alone disqualifies his testimony as credible. It also shows Monteleone’s role in shaping false testimony.

#### Entry 58

- QUOTE (Testimony): “The property had gone under contract with some different buyers. They had requested

the upgrades, and that’s what prompted the new scope.”

- CONTRADICTION: This explanation makes no sense: if earlier buyers requested upgrades, then by definition two spec sheets should exist—the original and the revised. His own explanation proves that multiple sheets existed.

- EXHIBIT(S): Exhibits 16, 17 (Texts showing escrow dispute)

- ANALYSIS: Self-contradiction. Proves there were at least two spec sheets in circulation when Pierce made his offer. This destroys Plaintiffs’ claim that there was only one agreed scope.

#### Entry 59

- QUOTE (Testimony): Claiming MLS attachments controlled the contract while simultaneously saying the MLS was expired.

- CONTRADICTION: Mutually exclusive statements: if expired, it’s not enforceable; if binding, it can’t be expired.

- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17

- ANALYSIS: Demonstrates deliberate double-speak: “out of both sides of his mouth.” Shows intent to confuse the court.

#### Entry 60

- QUOTE (Testimony): Works for listing agent Matt Dibiase, office next door.

- CONTRADICTION: His professional position guaranteed access to updated spec sheets.

Claiming ignorance is implausible.

- EXHIBIT(S): Broker emails/texts; Exhibits 16, 17

- ANALYSIS: Shows concealment of material facts. Raises inference of bad faith, collusion, and fraud on the court.

#### Entry 61

- QUOTE (Testimony): (36:47–36:59) “Yeah, we had requested an updated scope of work.” / “Yes [it’s common practice].”

- CONTRADICTION: Attorney Monteleone asked if it’s common practice to sign a contract that doesn’t match what’s being built, and Lord answered “Yes.”

- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17

- ANALYSIS: No competent realtor allows clients to sign knowingly inaccurate contracts.

Addendums exist precisely to prevent this. Claiming it’s “normal” undermines his credibility.

#### Entry 62

- QUOTE (Testimony): Attorney Monteleone (54:10): 'So if I can refer you to Exhibit Six. What is Exhibit Six?' Realtor Andy Lord (54:18): 'This is the made application letter from the lender, right?'

- CONTRADICTION: nan

- EXHIBIT(S): Exhibit 6 (NOT application letter)

- ANALYSIS: Andy Lord perjured himself by claiming an incomplete email was the “loan application letter.” Attorney Monteleone improperly introduced Exhibit 6 while omitting the actual lender’s letter. The

financing contingency required a genuine lender-issued application letter, which was never produced.

#### Entry 67

- QUOTE (Testimony): Attorney Monteleone (1:01:23): 'What was happening?' Realtor Andy Lord (1:01:27): 'Nothing was getting done. It was just kind of paused at that point.'

- CONTRADICTION: Defendant Rinaldi (18:13–18:50): Presented photos showing progress between mid-August and mid-September (roof completed, porch framed, windows installed).

Lord: “What?” ... “I

was saying, you know, given the original timeline of this being done.” (19:13)+

- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17

- ANALYSIS: Lord’s absolute claim (“nothing was getting done”) is disproven by photo evidence showing substantial work. Under pressure, he backpedals to a relative complaint about the timeline.

#### Entry 68

- QUOTE (Testimony): “The build just wasn’t moving forward very quickly.” (1:01:19)

- CONTRADICTION: Defendant Rinaldi (18:13–18:50): Photos show major work completed in one month. Rinaldi: “...That’s a lot of work for one person in one month.” Lord: No direct rebuttal, forced to soften position.

- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17

- ANALYSIS: The evidence shows the project was progressing quickly for a single builder. Lord's statement is misleading.

#### Entry 69

- QUOTE (Testimony): "Nothing was getting done." (repeated)

- CONTRADICTION: Defendant Rinaldi (15:34): "So again, you stated that in August, September, November, like no work was getting done, correct?" Lord: "Not a lot of work."

- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17

- ANALYSIS: On direct, Lord claimed "nothing." On cross, he admits "not a lot." This is a major shift from an absolute statement to a subjective minimization.

#### Entry 70

- QUOTE (Testimony): Lord (earlier) suggested porch framing was observed.

- CONTRADICTION: Defendant Rinaldi (1:47:07): "Do you see a front porch being framed?" Lord: "No."

- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17

- ANALYSIS: Lord contradicts both his own earlier testimony and Drew Pierce's affidavit that porch framing existed at contract signing.

#### Entry 71

- QUOTE (Testimony): Lord's overall narrative: construction was stalled, no meaningful progress.

- CONTRADICTION: Exhibits & Defendant's questions (18:13–18:50): Photos prove steady progress (roofing, porch, windows, framing all completed within weeks).

- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17

- ANALYSIS: Lord's testimony exaggerates and misrepresents actual progress. His credibility is impeached by hard evidence.

#### Entry 72

- QUOTE (Testimony): Attorney Monteleone 1:10:55

- CONTRADICTION: Defendant Rinaldi (Cross 4:44–4:56): "There was the November extension... the one in January... and then the last one from the fourth to the fifth. So there's three." Lord: "Okay."

- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17

- ANALYSIS: Lord inflated the number from 3 to 4–5 on direct examination. When pressed, he conceded to 3. This shows he knowingly exaggerated to make delays appear worse.

#### Entry 74

- QUOTE (Testimony): Lord (Direct): "Four to five." Lord (Direct, 1:11:27): "None, no."

- CONTRADICTION: Lord (Cross 4:56): "Okay" (after Defendant established there were 3 extensions).

- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17

- ANALYSIS: Lord retreated when confronted, exposing that his direct testimony was not based on fact. This shows a pattern of partisan misrepresentation rather than neutral fact-telling.

#### Entry 75

- QUOTE (Testimony): Testified as if delays were solely Defendant's fault.

- CONTRADICTION: Documentary record + construction reality (buyer lender delays, buyer upgrades).Exhibit(s): Cross-check with Exhibits 1–10, 16–17

- EXHIBIT(S): nan

- ANALYSIS: Lord's testimony constitutes perjury or, at minimum, deliberate misrepresentation. He lied about both the number and the cause of extensions, directly prejudicing the Defendant.

#### Entry 76

- QUOTE (Testimony): Lord (Direct, 1:11:00): "Four to five."

- CONTRADICTION: Defendant Rinaldi (Cross 4:44–4:56): "There was the November extension... the one in January... and then the last one from the fourth to the fifth. So there's three." Lord: "Okay."

- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17

- ANALYSIS: Lord inflated the number from 3 to 4–5 on direct examination. When pressed, he conceded to 3. This shows he knowingly exaggerated to make delays appear worse.

#### Entry 78

- QUOTE (Testimony): Lord (Direct): "Four to five." Lord (Direct, 1:11:27): "None, no."

- CONTRADICTION: Lord (Cross 4:56): "Okay" (after Defendant established there were 3 extensions).

- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17

- ANALYSIS: Lord retreated when confronted, exposing that his direct testimony was not based on fact. This shows a pattern of partisan misrepresentation rather than neutral fact-telling.

#### Entry 79

- QUOTE (Testimony): Testified as if delays were solely Defendant's fault.

- CONTRADICTION: Documentary record + construction reality (buyer lender delays, buyer upgrades).

- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17  
Analysis: Lord’s testimony constitutes perjury or, at minimum, deliberate misrepresentation. He lied about both the number and the cause of extensions, directly prejudicing the Defendant.

- ANALYSIS: nan

#### Entry 80

- QUOTE (Testimony): Attorney Monteleone 1:17:25

- CONTRADICTION: If the contract or spec sheet required “house to be painted,” then the fact that it was painted — even if imperfectly — means the condition was met. Lord’s reasoning introduces a new standard (uniform color, no touch-ups required) that wasn’t in the signed agreement. That’s a contradiction between what the contract required and what he now claims was necessary.

- EXHIBIT(S): Cross-check with Exhibits 1–10, 16–17

- ANALYSIS: Language of the Contract: If the contract only required “paint,” then Lord’s answer confirms that the condition was satisfied, undermining the Plaintiffs’ breach claim. Minor imperfections (different shades, areas needing touch-up) fall under punch-list or warranty items, not a contractual breach

#### Entry 102

- QUOTE (Testimony): Attorney Monteleone (1:40:50): 'Who was with you at the table?' Realtor Andy Lord (1:41:04): 'Drew, Janice, and the title attorney.'

- CONTRADICTION: This is contradicted by the fact that the parties signed a one-day contract extension already. They could have signed another.



- ANALYSIS: This reflects a choice not to extend, not impossibility.

#### Entry 106

- QUOTE (Testimony): Defendant Rinaldi 1:57:32

- CONTRADICTION: Excuse implausible — Lord was on-site daily or weekly and routinely asked Defendant to sign extensions. Then backpedals: “I can’t have you sign things, I don’t represent you.”

- ANALYSIS: Contradiction shows evasiveness. Texts prove Lord did solicit Defendant’s signature, undermining credibility.

#### Entry 107

- QUOTE (Testimony): Billings presses: “Was there ever an addendum... to reflect the corrected spec sheet?”

(1:59:59–2:00:13)

- CONTRADICTION: Lord doubles down and lies to the judge directly. Despite Billings’ probing, no accountability followed.

- ANALYSIS: Judicial failure: allowed perjury to stand, aiding Plaintiffs’ false narrative.

#### Entry 108

- QUOTE (Testimony): Defendant: “...why didn’t you guys use the updated spec sheet...?” /  
Drew: “I don’t know.”

- CONTRADICTION: Trial theory relies on the updated spec sheet, but the sworn complaint used the first spec sheet. Pierce could not explain why.

- ANALYSIS: nan

#### Entry 110

- QUOTE (Testimony): Drew: "I don't believe I was paying the 4000—I think they were waiving commission."
- CONTRADICTION: Filing states buyers agreed to pay \$4,000; Pierce denies paying and reframes as commission waiver.

#### Entry 111

- QUOTE (Testimony): Q: "You previously testified that you didn't ask for upgrades. Is that accurate?" / Drew: "No, I didn't ask you for upgrades."
- CONTRADICTION: Minutes later Pierce concedes he likely asked to move pipes (27:14–27:21), contradicting the blanket denial.

#### Entry 112

- QUOTE (Testimony): Drew: "I believe I did ask you about the pipes... I could be incorrect... I'm trying to remember."
- CONTRADICTION: Walks back prior denial of any upgrades.

#### Entry 115

- QUOTE (Testimony): Drew: "I provided photos of all of those things... I took many photos of things that were wrong." / Q: "Have you presented any evidence?" / Drew: "Not that I recall."
- CONTRADICTION: Claims provision of photos but cannot recall presenting evidence to the court.

### **--- APPENDIX JUDICIAL MISCONDUCT ---**

#### Entry 1

- Time: 00:32:00

- Quote: ...if there is a judgment against the defendant, and the law court believes I crossed any lines, they'll tell me so on appeal, so that motion is denied as well.

- Analysis of Bias: Dismisses recusal concerns; shifts accountability to appeal, undermining impartiality.

- Section: Judicial Misconduct

#### Entry 2

- Time: 17:47:00

- Quote: move on.

- Analysis of Bias: Curtly dismisses defendant's attempt to speak; signals impatience and disregard.

#### Entry 3

- Time: 17:50:00

- Quote: don't, don't worry, yeah, nonetheless, I don't take any of this.

- Analysis of Bias: Minimizes defendant's concerns in casual, dismissive tone.

- Section: Judicial Misconduct

#### Entry 4

- Time: 18:28:00

- Quote: Council, the plaintiff may call first witness.

- Analysis of Bias: Actively moves proceedings forward for plaintiffs, showing alignment.

#### Entry 5

- Time: 23:12:00

- Quote: Okay, did you provide these to Mr. Rinaldi.

- Analysis of Bias: Judge asks foundational question that helps plaintiffs introduce exhibit.

#### Entry 6

- Time: 23:51:00
- Quote: What's the relevance Council?
- Analysis of Bias: Invites plaintiff's attorney to justify evidence instead of neutrally weighing objection.

#### Entry 7

- Time: 1900-01-01 00:37:00
- Quote: I'm going to overrule the objection at this point... relevancy is pretty broad.
- Analysis of Bias: Overrules defense objection; broadens relevance standard in plaintiff's favor.
- Section: Judicial Misconduct

#### Entry 8

- Time: 1900-01-01 02:57:00
- Quote: It will be admitted over the objection.
- Analysis of Bias: Quickly admits plaintiff's Exhibit 1 despite defense objection.
- Section: Judicial Misconduct

#### Entry 9

- Time: 38:33, 43:16, 49:44
- Quote: Any objections Mr. Rinaldi... It's admitted.
- Analysis of Bias: Pattern of prompting defendant briefly before admitting plaintiff's exhibits without scrutiny.

#### Entry 10

- Time: 56:50–58:00
- Quote: Mr. Monteleone... Okay, go ahead.
- Analysis of Bias: Cues plaintiff's counsel to clarify and fix defects; helps admission of Exhibit 6.
- Section: Judicial Misconduct

#### Entry 11

- Time: 1900-01-02 11:34:00
- Quote: What about that? It's incomplete.
- Analysis of Bias: Raises arguments himself to assist plaintiff in overcoming objection.

#### Entry 12

- Time: 01:00:04
- Quote: ...the admissibility rules on business records are quite forgiving... I believe the plaintiff has made appropriate showing...
- Analysis of Bias: Advocates for plaintiffs' theory on admissibility; admits document over objection.

#### Entry 13

- Time: 01:03:11
- Quote: I'll consider it a lay opinion from his personal experience.
- Analysis of Bias: Allows speculative witness testimony despite defense objection.

#### Entry 14

- Time: 01:28:58
- Quote: okay, I'm going to sustain the objection for now. But council continue.

- Analysis of Bias: Sustains defense objection but immediately undermines it by allowing counsel to proceed.

#### Entry 15

- Time: 01:42:46
- Quote: objection overruled.
- Analysis of Bias: Overrules speculation objection; favors plaintiff witness testimony.

#### Entry 16

- Time: 01:43:50
- Quote: Okay, any objection on admission of exhibit four? It's admitted...
- Analysis of Bias: Reminds plaintiffs about exhibit they forgot to move; admits it himself.

#### Entry 17

- Time: 01:57:30
- Quote: Object overruled.
- Analysis of Bias: Overrules objection to keep plaintiff's testimony line alive.

#### Entry 18

- Time: 1:58:42–2:00:14
- Quote: Judge personally questions Andy Lord about corrected spec sheet and addendums.
- Analysis of Bias: Acts as advocate, conducting examination that advances plaintiffs' case.

#### Entry 19

- Time: 2:03:42–2:04:10
- Quote: I mean, is there any objection to plaintiff exhibit 16 being admitted? ... all right, so Plaintiff's Exhibit 16 is admitted.

- Analysis of Bias: Secures admission of plaintiff's exhibit even though plaintiffs had not moved it.

#### Entry 20

- Time: 2:07:53–2:07:55
- Quote: You can't just say that. You need to establish it through the witness...
- Analysis of Bias: Holds defendant to stricter standard than plaintiffs; inconsistent application of rules.

#### Entry 21

- Time: 00:01:00
- Quote: Please take the witness stand, So if you're going to show it if you're going to show him any exhibits asking questions about, yeah, please identify them and then Mr Monteleone
- Analysis of Bias: Starts by directing procedure and even cues Monteleone by name, showing involvement beyond neutral instruction.

#### Entry 22

- Time: 04:40:00
- Quote: Well before you can make reference or offer the exhibit, you need to establish that that's the exhibit, right? You need to establish from testimony from the witness, what it is and whether or not it meets the admissibility as a business record
- Analysis of Bias: Explains evidentiary rules in a way that supports the plaintiff's objection, acting like an advisor instead of neutral arbiter.

#### Entry 23

- Time: 05:02:00

- Quote: Well, you can have him look over them but you have to ask the I mean, again, got you, is this things you have to do

- Analysis of Bias: Instructs the defendant step by step on procedure, effectively tutoring against admission rather than simply ruling.

#### Entry 24

- Time: 05:07:00

- Quote: for things to be admitted.

- Analysis of Bias: Editorializes about procedure, reinforcing the plaintiff's position.

#### Entry 25

- Time: 05:59:00

- Quote: So you did, I just the you didn't offer any of the text messages that were referenced in this witnesses. Earlier testimony, correct?

- Analysis of Bias: Steps in to highlight deficiencies in the defense's case, helping opposing counsel.

#### Entry 26

- Time: 07:09:00

- Quote: Well, I'm going to, why don't you show why don't you show the record to the witness and ask him what you're going to ask him, and I'm going to defer any ruling Okay, he he did. You may be able to show him, maybe ask him about it, with it, actually, without it being admitted. So show him

- Analysis of Bias: Guides how the defendant may proceed without formally admitting evidence, narrowing scope of use.



#### Entry 27

- Time: 07:32:00

- Quote: Just show it to the witness and then ask whatever question you want to ask about it

- Analysis of Bias: Directs process, limiting defense's ability to use document freely.

#### Entry 28

- Time: 07:39:00

- Quote: yes, and both of you may have approached the witnesses... Just if people start to get in each other's faces... So you just save time. You don't have to ask, as long as you're being appropriate, which everybody is.

- Analysis of Bias: Overexplains procedure, placing restrictions as though anticipating misconduct; adds unnecessary commentary that frames the defense as potentially improper.

#### Entry 29

- Time: 12:56:00

- Quote: Right but that doesn't , this

- Analysis of Bias: Begins to editorialize mid-ruling, undercutting defense argument about business records.

#### Entry 30

- Time: 13:00:00

- Quote: yeah. I'm not sure. Text messages, just because they're saved, make them business records. There are other parts of the rule that are, that are, need to be complied with. So I mean, if they're not, if there's no objection, it's one thing.

- Analysis of Bias: Downplays defense's business record argument, essentially bolstering plaintiff's objection.

#### Entry 31

- Time: 14:04:00

- Quote: right? But you don't get to offer your own out of court statements. You he can't offer your out of court statements, but you don't get to offer your out of court statemenents

- Analysis of Bias: Cuts off defense's attempt to clarify and admits only plaintiff's framing.

#### Entry 32

- Time: 14:16:00

- Quote: But so I'm going to sustain the objection because of the

- Analysis of Bias: Announces ruling in a way that validates opposing counsel's line.

#### Entry 33

- Time: 14:28:00

- Quote: Well I think you have to, no, I think you have to prepare, I mean, as you're presenting it, it has stuff that's not admissible. So I'm sustainable the objection.

- Analysis of Bias: Actively critiques defense presentation rather than simply ruling, reinforcing Monteleone's objection.

#### Entry 34

- Time: 14:53:00

- Quote: all I can rule on it before me. Now which is objectionable. So the objection is sustained that's no prejudice to anything that may be offered in the future.

- Analysis of Bias: Preemptively insulates ruling from appellate challenge by adding commentary, which benefits plaintiffs.

#### Entry 35

- Time: 1900-01-01 01:46:00
- Quote: you've, you've this question's been answered.
- Analysis of Bias: Cuts off defense cross-examination, protecting witness from having to answer damaging contradictions.
- Section: Judicial Misconduct

#### Entry 36

- Time: 1900-01-01 02:37:00
- Quote: Is it marked?
- Analysis of Bias: Interrupts defendant's impeachment flow to insert procedural check, creating extra barrier.
- Section: Judicial Misconduct

#### Entry 37

- Time: 1900-01-01 03:08:00
- Quote: a prior inconsistent statements don't make a whole document admissible.
- Analysis of Bias: Explains rules in a way that reduces impact of defense impeachment evidence.
- Section: Judicial Misconduct

#### Entry 38

- Time: 1900-01-01 04:16:00

- Quote: You can't comment.
- Analysis of Bias: Stops defendant from challenging a false statement made by the witness.
- Section: Judicial Misconduct

#### Entry 39

- Time: 1900-01-01 09:47:00
- Quote: Objection sustained obviously you can, just as you did with this last one, the the prior inconsistent statement itself was read and is admitted
- Analysis of Bias: Limits defense impeachment value while reinforcing plaintiff's position.
- Section: Judicial Misconduct

#### Entry 40

- Time: 1900-01-01 10:00:00
- Quote: but that doesn't make the whole affidavit admissible. If there are others you want to ask him about, feel free to do that.
- Analysis of Bias: Again narrows defense impeachment tools, functioning as advisory to plaintiffs.
- Section: Judicial Misconduct

#### Entry 41

- Time: 1900-01-01 16:13:00
- Quote: Objection overruled
- Analysis of Bias: Though appearing favorable, the ruling comes after unnecessary delay and commentary, showing inconsistent standards.
- Section: Judicial Misconduct

#### Entry 42

- Time: 1900-01-01 22:12:00
- Quote: Objection overruled
- Analysis of Bias: Only overrules when witness already deflected; minimizes defense benefit.
- Section: Judicial Misconduct

#### Entry 43

- Time: 1900-01-01 23:48:00
- Quote: You need to focus on your questions.
- Analysis of Bias: Interrupts defense, restricting ability to provide context.
- Section: Judicial Misconduct

#### Entry 44

- Time: 1900-01-02 03:19:00
- Quote: I mean, he's addressed it objection sustained
- Analysis of Bias: Protects witness from further contradiction, sustaining objection without real grounds.
- Section: Judicial Misconduct

#### Entry 45

- Time: 1900-01-02 03:25:00
- Quote: How much time do you think you have left with this witness?
- Analysis of Bias: Interrupts to manage defense time, imposing pressure on cross-examination length.
- Section: Judicial Misconduct

#### Entry 46

- Time: 02:39:00
- Quote: How is that relevant?
- Analysis of Bias: Cuts off a line of questioning by asserting irrelevance without letting argument develop.
- Section: Judicial Misconduct

#### Entry 47

- Time: 02:42:00
- Quote: now you're going far afield. I get your point. Okay, you made the point.
- Analysis of Bias: Dismisses defense's attempt to develop testimony, restricting line prematurely.
- Section: Judicial Misconduct

#### Entry 48

- Time: 02:52:00
- Quote: If you want to testify, you'll get a chance. You need to ask questions.
- Analysis of Bias: Accuses defendant of testifying rather than questioning, silencing his explanation.
- Section: Judicial Misconduct

#### Entry 49

- Time: 02:58:00
- Quote: I understand just move on
- Analysis of Bias: Curt dismissal that again shields witness from defense follow-up.

- Section: Judicial Misconduct

#### Entry 50

- Time: 06:44:00

- Quote: Sustained

- Analysis of Bias: Abrupt ruling cutting off defense testimony about COVID-related construction delays.

- Section: Judicial Misconduct

#### Entry 51

- Time: 08:29:00

- Quote: just ask your question.

- Analysis of Bias: Stops defense from giving context, again privileging plaintiff's framing.

- Section: Judicial Misconduct

#### Entry 52

- Time: 11:39:00

- Quote: We've been through this

- Analysis of Bias: Terminates defense impeachment attempt prematurely.

- Section: Judicial Misconduct

#### Entry 53

- Time: 1900-01-01 16:20:00

- Quote: It's not a proper objection. 2022 is admitted.

- Analysis of Bias: Dismisses defendant's attempt to admit full context (Rule of Completeness).

Appears to aid plaintiff by keeping evidence one-sided

- Section: Judicial Misconduct

#### Entry 54

- Time: ~3:53

- Quote: Objections overruled.

- Analysis of Bias: Overrules objection to Defendant's relevance/scope point as he explains plaintiff's misidentification; swift ruling without allowing foundation suggests impatience toward defense context.

- Section: Judicial Misconduct

#### Entry 55

- Time: ~4:xx

- Quote: Objection sustained.

- Analysis of Bias: Sustains hearsay objection as Defendant narrates sequence; pattern of sustaining against Defendant while he lays foundation.

- Section: Judicial Misconduct

#### Entry 56

- Time: ~9:00

- Quote: Yes.

- Analysis of Bias: Admits Exhibit 17 in full but later restricts Defendant from reading portions needed for context; toggling limits Defendant's presentation.

- Section: Judicial Misconduct

#### Entry 57

- Time: ~10:xx



- Quote: Well, you haven't offered the recording.
- Analysis of Bias: Interjects mid-answer to highlight a foundation gap; technically correct but used to cut off narrative flow while Defendant tries to authenticate.
- Section: Judicial Misconduct

#### Entry 58

- Time: ~10:xx
- Quote: So I'm going to sustain the objection.
- Analysis of Bias: Sustains again immediately after pointing out foundation gap, preventing Defendant from explaining the meeting's significance.
- Section: Judicial Misconduct

#### Entry 59

- Time: ~11:20
- Quote: These are in evidence you don't need to read them you know.
- Analysis of Bias: Cuts Defendant off while reading texts that frame his position; minimizes probative value and restricts context.
- Section: Judicial Misconduct

#### Entry 60

- Time: ~11:45
- Quote: Is this meeting on the 5th?
- Analysis of Bias: Directed questioning that narrows timeline in a way consistent with plaintiff theory that termination already occurred.
- Section: Judicial Misconduct

#### Entry 61

- Time: ~11:50
- Quote: So, this is after you terminated the contract?
- Analysis of Bias: Leads witness toward a concession helpful to plaintiff's breach framing.
- Section: Judicial Misconduct

#### Entry 62

- Time: ~12:05
- Quote: You said that. But where did they say you're right?
- Analysis of Bias: Adopts the role of cross-examiner challenging Defendant rather than neutrally receiving testimony.
- Section: Judicial Misconduct

#### Entry 63

- Time: ~12:20
- Quote: They say you can't do this to these people.
- Analysis of Bias: Supplies plaintiff-friendly interpretation of texts during Defendant's testimony.
- Section: Judicial Misconduct

#### Entry 64

- Time: ~12:40
- Quote: Again that letter was offered to point out that they offered you mediation and you denied it.

- Analysis of Bias: Injects plaintiff narrative (mediation refusal) while Defendant attempts to impeach the letter's truthfulness.

- Section: Judicial Misconduct

Entry 65

- Time: ~16:10

- Quote: Who prepared the transcripts?

- Analysis of Bias: Raises foundation issue to exclude defense-prepared transcript; neutral on its face but follows a pattern of exclusion of defense context.

- Section: Judicial Misconduct

Entry 66

- Time: ~16:15

- Quote: So for that reason alone, if you have the actual recording... There's issues with that as well but it's not a certified transcript.

- Analysis of Bias: Preemptively signals multiple hurdles to defense evidence, discouraging its use.

- Section: Judicial Misconduct

Entry 67

- Time: ~21:10

- Quote: The text message is OK.

- Analysis of Bias: Allows text but then...

- Section: Judicial Misconduct

Entry 68

- Time: ~21:20

- Quote: You don't have to read the text.

- Analysis of Bias: Quickly curtails Defendant's use of the permitted exhibit; tone appears impatient.

- Section: Judicial Misconduct

#### Entry 69

- Time: ~21:28

- Quote: No stop.

- Analysis of Bias: Abruptly halts Defendant mid-explanation.

- Section: Judicial Misconduct

#### Entry 70

- Time: ~21:29

- Quote: No no no you're not going to, that's hearsay.

- Analysis of Bias: Shuts down background context with emphatic directive; adversarial tone.

- Section: Judicial Misconduct

#### Entry 71

- Time: ~21:30

- Quote: Let's move on.

- Analysis of Bias: Forces topic change while Defendant attempts to provide foundation.

- Section: Judicial Misconduct

#### Entry 72

- Time: ~22:20

- Quote: Yeah but you're stuck with them.

- Analysis of Bias: Tells Defendant he's bound by contracts as a conclusory statement during testimony which is comical because the Plaintiffs signed a contract for a 3 bedroom 1,900 sq ft home so why aren't they stuck with it.

- Section: Judicial Misconduct

#### Entry 73

- Time: ~22:40

- Quote: No no no you signed, why would you sign a contract saying you're going to finish a house...

- Analysis of Bias: Sounds like plaintiff's cross; presses Defendant on reasonableness rather than letting counsel do so.

- Section: Judicial Misconduct

#### Entry 74

- Time: ~22:50

- Quote: ...but you claim to be knowledgeable about building,

- Analysis of Bias: Impeaches Defendant's expertise; prosecutorial tone.

- Section: Judicial Misconduct

#### Entry 75

- Time: ~23:10

- Quote: ...and you agreed to finish the house by a certain date... Why would you agree to finish the house by a certain date when you know you can't do it.

- Analysis of Bias: Continues cross-exam style challenge supportive of plaintiff theory.

- Section: Judicial Misconduct

#### Entry 76

- Time: ~33:37

- Quote: You can't do this... we can't sit here all day.

- Analysis of Bias: Prevents Defendant from walking exhibits; restricts defense proof presentation.

- Section: Judicial Misconduct

#### Entry 77

- Time: ~35:07

- Quote: It has not been offered.

- Analysis of Bias: Notes lack of offer on sheriff report (neutral), but in context adds friction to defense narrative flow.

- Section: Judicial Misconduct

#### Entry 78

- Time: ~35:40

- Quote: Counsel.

- Analysis of Bias: Prompts opposing counsel; then

- Section: Judicial Misconduct

#### Entry 79

- Time: ~35:45

- Quote: It's admitted.

- Analysis of Bias: Admits Exhibit 14 after plaintiff has no objection; shows he can admit defense evidence but earlier comments still limited narrative.

- Section: Judicial Misconduct

#### Entry 80

- Time: ~38:50

- Quote: But in the March 12th email. Number one, you're talking about your March 12th response.

- Analysis of Bias: Redirects to plaintiff's selected exhibit sequence, not Defendant's broader response letter.

- Section: Judicial Misconduct

#### Entry 81

- Time: ~39:10

- Quote: Well, if you turn to... is Exhibit 22 admitted?

- Analysis of Bias: Acts quasi-advocacy by guiding the record to plaintiff-useful email thread timing.

- Section: Judicial Misconduct

#### Entry 82

- Time: ~39:50

- Quote: Well, you technically can't offer a letter you wrote anyway, so I understand your testimony.

- Analysis of Bias: Precludes Defendant's own letter while accepting its existence; keeps plaintiff's letter central.

- Section: Judicial Misconduct

#### Entry 83

- Time: ~40:05

- Quote: So you also said in this email... 'I'm not interested in working something out.'

- Analysis of Bias: Reads plaintiff-favorable snippet to impeach Defendant's narrative of cooperation.

- Section: Judicial Misconduct

#### Entry 84

- Time: ~40:20

- Quote: Well, that's a legal argument, but you were just saying it's a factual thing... On March 12th you said, I'm done.

- Analysis of Bias: Recasts Defendant's testimony to align with plaintiff abandonment theory.

- Section: Judicial Misconduct

#### Entry 85

- Time: ~40:30

- Quote: So how is it relevant that it took him another month to file a suit after you told him all about it.

- Analysis of Bias: Further reframes timeline in plaintiff's favor.

- Section: Judicial Misconduct

#### Entry 86

- Time: ~44:10

- Quote: Objection overruled, so I mean did all those people... get paid at your ultimate closing?



- Analysis of Bias: Overrules but immediately questions in a way that advances plaintiff's mitigation argument.

- Section: Judicial Misconduct

#### Entry 87

- Time: ~44:40

- Quote: So, if none of that stuff caused you to not close with your ultimate seller, why is it a legitimate reason not to close with Mr. Pierce?

- Analysis of Bias: Advocacy-like causation argument aligning with plaintiff's theory.

- Section: Judicial Misconduct

#### Entry 88

- Time: ~45:10

- Quote: But what you're complaining... Yeah, you ultimately were ultimately paid.

- Analysis of Bias: Minimizes harm by emphasizing later payment to undercut defense justification.

- Section: Judicial Misconduct

#### Entry 89

- Time: ~45:50

- Quote: Well, that would be an unpaid upgrade.

- Analysis of Bias: Re-labels Defendant's point to fit judge's chosen categories; narrows issues.

- Section: Judicial Misconduct

#### Entry 90

- Time: ~46:00

- Quote: Right.
- Analysis of Bias: Affirmation while steering narrative.
- Section: Judicial Misconduct

#### Entry 91

- Time: ~46:30
- Quote: So again, you read the contract and there's no... document suggesting you said 'Okay I've done all these things. I need to get paid for them.'
- Analysis of Bias: Frames lack-of-documentation theme consistent with plaintiff's position.
- Section: Judicial Misconduct

#### Entry 92

- Time: ~48:20
- Quote: I mean, one reason is because you're threatening not to close and they don't want to.
- Analysis of Bias: Supplies plaintiff's motive to explain concessions; advocacy tone.
- Section: Judicial Misconduct

#### Entry 93

- Time: ~49:30
- Quote: When they asked for upgrades... we need to amend the contract before I agree to do this.
- Analysis of Bias: Admonishes Defendant with what he 'should have done,' mirroring opposing counsel's critique.
- Section: Judicial Misconduct

#### Entry 94

- Time: ~49:50

- Quote: Well, you're supposed to be the expert. You're supposed to be the contractor building the house.

- Analysis of Bias: Undermines Defendant's credibility/expertise in front of fact-finder.

- Section: Judicial Misconduct

#### Entry 95

- Time: ~1:01:32

- Quote: Yeah, I've seen the documents.

- Analysis of Bias: Cuts off further foundation about unsigned spec sheet.

- Section: Judicial Misconduct

#### Entry 96

- Time: ~1:01:50

- Quote: So what does that get you?

- Analysis of Bias: Challenges the legal relevance mid-testimony.

- Section: Judicial Misconduct

#### Entry 97

- Time: ~1:02:05

- Quote: So how can you claim that there is unpaid... If there's no spec sheet that the two of you agreed to, how can you claim that there are unpaid offerings?

- Analysis of Bias: Presses a plaintiff-favorable contradiction while Defendant testifies.

- Section: Judicial Misconduct

#### Entry 98

- Time: ~1:03:00

- Quote: The reason it's relevant, though, is part of your justification for not closing

- Analysis of Bias: Narrates why plaintiff's paving/painting theory matters, reinforcing their theme.

- Section: Judicial Misconduct

#### Entry 99

- Time: ~1:03:32

- Quote: He filed a lawsuit saying you had a contract and you breached the contract, and you're being caught up in the minutia.

- Analysis of Bias: Adopts plaintiff's core narrative and disparages Defendant's evidentiary points as 'minutia'.

- Section: Judicial Misconduct

#### Entry 100

- Time: ~1:04:30

- Quote: Just answer my question...

- Analysis of Bias: Interrupts and channels Defendant to judge-framed issue list, limiting explanatory context.

- Section: Judicial Misconduct

#### Entry 101

- Time: ~1:04:50

- Quote: So, this alleged embezzlement, unpaid upgrades.

- Analysis of Bias: Lists defense theories with skeptical phrasing; 'alleged' minimizes seriousness.

- Section: Judicial Misconduct

#### Entry 102

- Time: ~1:05:10

- Quote: So, and then the painting

- Analysis of Bias: Continues judge-framed checklist, steering testimony.

- Section: Judicial Misconduct

#### Entry 103

- Time: ~1:05:20

- Quote: And um, and the paving

- Analysis of Bias: Same steering; frames issues for plaintiff narrative.

- Section: Judicial Misconduct

#### Entry 104

- Time: 6:49

- Quote: So that's your defense. Because actually sitting through that day of trial, I came away with it, wondering, what is your justification for? Tell me today, what is your justification for breaching the contract.

- Analysis of Bias: Judge challenges the defendant's defense in a manner resembling plaintiff's cross-examination, not neutral inquiry.

- Section: Judicial Misconduct

#### Entry 105

- Time: 7:07

- Quote: Unpaid upgrades. Did you ever submit change orders from the contract price?

- Analysis of Bias: Judge cross-examines defendant by pressing him with leading questions that favor plaintiff's contract theory.

- Section: Judicial Misconduct

#### Entry 106

- Time: 7:47

- Quote: Sorry, counsel, well, I didn't hear that testimony or see any exhibits that suggested that anybody was telling you... trying to do everything they could to get you to the closing table. Nobody was telling you that it was okay not to.

- Analysis of Bias: Judge substitutes personal recollection for the record, undermining defendant's testimony and strengthening plaintiff's narrative.

- Section: Judicial Misconduct

#### Entry 107

- Time: 11:23

- Quote: I guess it could have relevance to that. So it's admitted. Over objection.

- Analysis of Bias: Judge overrules defendant's objection by adopting plaintiff's framing of credibility relevance, not conducting independent analysis.

- Section: Judicial Misconduct

#### Entry 108

- Time: 42:50

- Quote: How is what is in the contract not relevant to the breach?

- Analysis of Bias: Judge echoes plaintiff's argument instead of weighing defendant's position that unsigned pages should not bind him.

- Section: Judicial Misconduct

#### Entry 109

- Time: 43:28

- Quote: Objection overruled.

- Analysis of Bias: Judge dismisses defendant's repeated relevance objections without explanation, defaulting to plaintiff's framing.

- Section: Judicial Misconduct

#### Entry 110

- Time: 50:25-51:21

- Quote: Objection overruled.

- Analysis of Bias: Judge repeatedly overrules defendant's objections to contract exhibits despite claims they were unsigned or fabricated, reinforcing plaintiff's evidence.

- Section: Judicial Misconduct

#### Entry 111

- Time: 1:07:45

- Quote: Right but you knew the appraiser was going to base a price... based upon what you provided.

- Analysis of Bias: Judge interrogates defendant in a prosecutorial style, aligning with plaintiff's theory that defendant misled the appraiser.

- Section: Judicial Misconduct

#### Entry 112

- Time: 1:08:52

- Quote: Well, that's a separate issue. You seem to be suggesting that because you didn't sign this it doesn't matter.

- Analysis of Bias: Judge minimizes defendant's argument about unsigned documents, reframing in plaintiff's favor.

- Section: Judicial Misconduct

#### Entry 113

- Time: 1:09:17

- Quote: But the testimony here establishes you did more than change just the square footage. There are other changes from the previous.

- Analysis of Bias: Judge asserts a conclusion supporting plaintiff's claims, stepping into the role of fact-finder and advocate simultaneously.

- Section: Judicial Misconduct

#### Entry 114

- Time: 1:32:38

- Quote: And there's change orders... But in this contract, there were changes made to the contract you apparently didn't read them, but...

- Analysis of Bias: Judge admonishes defendant for not reading contract changes, echoing plaintiff's narrative rather than staying neutral.

- Section: Judicial Misconduct

#### Entry 115



- Time: 1:33:24

- Quote: But here you said, it's contractual. There's no written contract that says that Mr. Pierce would pay more than 380,500.

- Analysis of Bias: Judge reframes defendant's argument into plaintiff's position, undercutting his reliance on verbal agreements or upgrades.

- Section: Judicial Misconduct

#### Entry 116

- Time: 1:33:59

- Quote: But in these text messages from the day the contract broke down, you don't bring that up.

- Analysis of Bias: Judge challenges defendant by adopting plaintiff's view of the evidence, rather than evaluating both perspectives impartially.

- Section: Judicial Misconduct

#### Entry 117

- Time: 1:34:45

- Quote: Now this missing money. So you claim that your lender made payments that you never authorized. But Mr. Pierce isn't responsible for that.

- Analysis of Bias: Judge absolves plaintiff of involvement before hearing full argument, echoing plaintiff's defense theory.

- Section: Judicial Misconduct

#### Entry 118

- Time: 1:35:52

- Quote: You're gonna build something contract with the sensible thing to do to say, Hey, before I build this, we need amend the contract make sure I get paid.
- Analysis of Bias: Judge lectures defendant in alignment with plaintiff's criticisms, rather than allowing testimony to stand on its own.
- Section: Judicial Misconduct

Entry 119

- Time: 1:36:05
- Quote: That's what contractors do.
- Analysis of Bias: Judge generalizes industry practice to undermine defendant's testimony, reinforcing plaintiff's stance.
- Section: Judicial Misconduct

## **10.15.24 Letter to Court Drew Perjury (Exhibit Q)**

**Withholding and Suppression of Defendant's October 15, 2024 Letter Exposing Perjury by Plaintiff Drew Pierce**

### **Summary**

This report analyzes one of the most serious potential instances of court corruption and procedural misconduct in the litigation of Drew Pierce and Janice Lariviere v. Anthony Michael Rinaldi and Southern Maine Construction LLC, Cumberland County Superior Court, Docket No. CV-2021-138.

On October 15, 2024, the Defendant submitted a letter to the Clerk of Court containing explosive, case-dispositive evidence that:

- Plaintiff Drew Pierce committed perjury at trial by falsely testifying under oath that he never purchased another home;
- In reality, Drew Pierce purchased a comparable home in June 2023, is living in a \$750,000 property, and is attempting to sell it for a \$350,000 profit;
- The existence of this purchase obliterates Plaintiffs' claimed damages, directly undermining the court's jurisdiction and the entire premise of Plaintiffs' case.

The letter explicitly demanded immediate transmission to Justice Billings due to the magnitude of the alleged fraud and its direct bearing on jurisdiction, damages, and sanctions.

Instead, the letter was unlawfully suppressed and withheld for approximately two weeks—a time period during which Justice Billings issued a ruling devoid of this critical evidence. When the letter was finally filed, Justice Billings took no action whatsoever.

This conduct—by court staff and the presiding judge—strikes at the heart of the judicial process, due process, and public trust in the courts.

## **II. Content of the October 15, 2024 Letter**

The letter (Exhibit “A” hereto) states the following core facts (quoted verbatim from the document):

“It has come to the Defendant’s attention that Drew Pierce purchased a home in June of 2023 (Exhibit A) but at trial UNDER OATH he claimed he never purchased another home and acted as if he was practically homeless despite living in a 3/4 Million Dollar Home. Worst still is the fact that Drew is currently selling this property for a \$350,000 dollar profit. The Plaintiffs argument is that Drew would be damaged if he purchased another home which speculates his alleged damages when we could have figured his damages out because he did buy a home. The

reason the Plaintiffs committed perjury is because he benefitted by not closing on Cape Rd. He made an additional \$250,000 so he profited therefore he WASN'T DAMAGED. The Defendant brought this to BernsteinShur's attention but they don't seem to care how fraudulent this case is. Nonetheless, it's been almost 1,300 days since this frivolous lawsuit started and the Defendant deserves this fraud on the court to end immediately and the Defendant asks that the court rule on his Rule 11 Sanctions Motion because BernsteinShur MUST BE HELD ACCOUNTABLE!!"

**This is not merely an allegation—it is a factual disclosure supported by documentary evidence. If true, it:**

- **Proves perjury by Plaintiff Drew Pierce;**
- **Nullifies Plaintiffs' claim of damages;**
- **Destroys the premise of subject matter jurisdiction (because absent damages, there's no standing or live controversy);**
- **Obligates the Court to act sua sponte to protect the integrity of its judgments.**

### **III. Procedural Misconduct by Clerk's Office**

#### **A. Same-Day Filing Practice**

Historically, all prior Defendant filings were docketed the same day they were submitted. This has been the consistent practice for nearly four years in this litigation. No **legitimate administrative reason exists why this document—which demanded immediate judicial attention—should be handled differently.**

#### **B. Intentional or Reckless Suppression**

Instead:

- The letter was deliberately withheld for two weeks;
- Justice Billings issued a ruling during that window, blind to the new evidence.

Such conduct is grossly improper. The Clerk's Office has zero legal authority to withhold filings that are:

- Properly submitted;
- Relevant to pending litigation;
- Directed to the judge's attention.

Even the Maine Rules of Civil Procedure do not grant clerks discretion to screen substantive filings for "appropriateness." The sole role of the clerk is ministerial—filing documents, entering them on the docket, and transmitting filings to the assigned judge.

**Holding back a letter revealing perjury and potential fraud is not simply a clerical error—it is tantamount to obstructing justice.**

#### **IV. Legal Significance of the Suppressed Evidence**

##### **A. Proof of Perjury**

Plaintiff Drew Pierce testified under oath that he never bought another home. Documentary evidence attached to the letter proves:

- He did purchase a comparable home in June 2023;
- He is attempting to sell it for a substantial profit.

This is classic perjury under:

- 17-A M.R.S. §451 (Maine Criminal Code – Perjury);
- A fraud on the court under Maine law and federal standards (Hazel-Atlas Glass

Co. v. Hartford-Empire Co., 322 U.S. 238 (1944)).

## **B. Elimination of Damages**

Plaintiffs' lawsuit hinges on the claim that Drew Pierce was damaged by losing the Cape Road property. The evidence shows

1. He bought a similar property;
2. He's profiting \$350,000 from its sale;
3. He was never homeless or financially ruined;
4. He's financially better off than he would have been if he closed on Cape Road.

Therefore, he suffered no cognizable damages.

**Without damages:**

- **There is no cause of action.**
- **The Court lacks subject matter jurisdiction.**
- **The judgment may be void ab initio.**

## **C. Fraud on the Court**

Suppressing evidence of perjury is not merely procedural error—it is fraud on the court because:

- It deceives the judicial process;
- It affects the integrity of the judgment;
- It prevents the truth from being heard.

**A fraud on the court is one of the very few circumstances allowing a judgment to be set aside at any time, even years later. (See Rule 60(b)(3), Maine Rules of Civil Procedure.)**

## **V. Judicial Misconduct by Justice Billings**

**A. Duty to Act**

Once Justice Billings received the letter, he was duty-bound to investigate:

- **Whether Drew Pierce committed perjury;**
- **Whether the judgment must be vacated;**
- **Whether sanctions are warranted.**

Yet the judge did absolutely nothing.

That silence:

- **Destroys public confidence in the integrity of the court;**
- **Violates Canon 2 of the Maine Code of Judicial Conduct:**
- **“A judge shall act at all times in a manner that promotes public confidence in**

**the independence, integrity, and impartiality of the judiciary.”**

- **Constitutes judicial misconduct if done knowingly.**

## **B. Appearance of Corruption**

At best, Justice Billings ignored new, case-dispositive evidence.

At worst, he intentionally refused to act to preserve a ruling that benefits the plaintiffs and their counsel.

Either scenario creates the appearance of corruption. A judge cannot simply:

- **Receive evidence of perjury;**
- **Know it nullifies jurisdiction and damages;**
- **And pretend it doesn’t exist.**

## **VI. Constitutional and Legal Consequences**

This misconduct:

1. **Violates the Defendant’s Due Process rights under the U.S. and Maine Constitutions.**

2. Constitutes potential obstruction of justice by court staff and possibly judicial misconduct.
3. Creates a basis to vacate any judgment issued under a cloud of fraud and perjury.

## **VII. Conclusion: A Corruption of Justice**

The events surrounding the October 15, 2024 letter reveal one of the most egregious breaches of integrity and fairness imaginable in a judicial proceeding.

- A letter containing explosive evidence of perjury was:
- Explicitly directed to the judge;
- Withheld for two weeks;
- Kept out of the court's consideration before ruling.
- When it finally reached Justice Billings, he did nothing.

This is not merely clerical error. It is a systemic obstruction of justice and calls into question:

- The fairness of the trial;
- The validity of any judgment;
- The honesty and impartiality of the court itself.

## **10.15.24 Motion for Finding Fact 52(a) (Exhibit R)**

## **Background**

In August 2020, Anthony Rinaldi entered a contract to sell a new home for \$385,000. Plaintiffs Drew Pierce and Janice Lariviere requested numerous upgrades (bonus room, porch, hardwood



floors, finished garage, etc.), which increased the house size and value substantially. Defendant completed these upgrades under the understanding of payment.

By March 2021, the dispute centered on escrow demands and financing, not Defendant's work. Plaintiffs and their realtors imposed escalating escrow requirements and hidden costs, while refusing to pay for over \$100,000 in upgrades

## **Procedural Abuse**

- Plaintiffs repeatedly shifted their story (at least five contradictory versions) between filings, affidavits, and testimony.
- Attorney James Monteleone knowingly sued the wrong LLC and concealed the true loan application letter that disproved Plaintiffs' financing compliance.
- Judges allowed Plaintiffs to proceed without presenting prima facie evidence, denying defense motions without explanation.
- Plaintiffs introduced surprise affidavits at hearings, contrary to Maine law

## **Key Findings of Fact**

1. No Evidence of Breach – Plaintiffs admitted under cross-examination they had no text, email, or document showing Defendant breached.
2. Appraisal Manipulation – The February 2021 appraisal required only \$10,000 escrow, but Plaintiffs' realtor inflated it to \$24,000.
3. Spec Sheet Problems – Alleged spec sheet not referenced in contract, unsigned, and altered after execution.

4. Realtor Misconduct – Realtors Andy Lord and Matt Dibiase pressured Defendant with threats of foreclosure, tricked him into signing costly extensions, and misrepresented escrow requirements.
5. Perjury – Andy Lord’s trial testimony was impeached multiple times with photos, recordings, and texts contradicting his statements.
6. Termination – On March 4, 2021, Plaintiffs refused to adjust escrow as contract required. Defendant declared breach and documented it by text.
7. Plaintiff’s Hidden Profit – After trial, evidence showed Drew Pierce purchased another home in 2023 and resold it for a \$350,000 profit, undermining claims of damages.

## **Legal Conclusions**

- Standing – Plaintiffs never proved actual damages; claims were speculative.
- Judicial Estoppel – Plaintiffs advanced contradictory positions that courts wrongly accepted.
- Breach of Contract – Plaintiffs, not Defendant, repudiated on March 4, 2021.
- Duress & Misrepresentation – Realtors used threats and deception to force unfair terms.
- Waiver & Failure to Mitigate – Plaintiffs refused mediation, extensions, or reconciliation.
- Offset – Plaintiffs must pay for requested upgrades

## **Why This Matters**

This case illustrates systemic failure in Maine’s courts:

- Plaintiffs with no evidence were allowed to shift stories repeatedly.

- Judicial rulings ignored basic contract law and Rule 56 standards.
- Attorney misconduct and perjury went unchecked.
- Defendant, a small builder who worked 80+ hours per week and even slept in his van to complete the build, was forced into years of litigation despite overwhelming evidence in his favor.

## Conclusion

The evidence is crystal clear:

- The Plaintiffs breached first.
- They concealed upgrades, fabricated damages, and profited post-trial.
- Realtors and counsel engaged in fraud and perjury.
- Judicial handling denied due process and undermined the rule of law.

This is not merely a private dispute — it is one of the worst abuses of Maine’s civil legal system in recent history, warranting legislative oversight and accountability.

### **10.28.24 Judges Trial Order and Findings of Fact (Exhibit S)**

The following are the only finding of fact and conclusions of law from Justice Billings Order regarding the Breach:

Closing on the property was scheduled on March 5, 2021. The Plaintiffs were ready, willing, and able to close on the sale of the property. Defendant Rinaldi refused to attend the closing and refused to close on the sale of the property. The Defendants breached the contract with the Plaintiff and the excuses offered for their actions fail as a

matter of fact and law: The Defendants sold the property for \$487,000. Due to the changes in the real estate market after the contract was entered into, the Plaintiffs were unable to obtain a similar property for the purchase price listed in the contract.”

ABSOLUTELY EVERYTHING IN THIS PARAGRAPH IS FALSE. The closing was scheduled for March 4th 2021 and the Plaintiffs weren't ready willing and able to close, instead the Plaintiffs breached the contract when they failed to remove the Painting and Paving from escrow and the Defendant terminated due to their Anticipatory Repudiation. The Defendant was prevented from performing due to the conduct of the Plaintiffs and their agent. Furthermore, all the text, emails and recordings indicate that the Defendant was legally terminating the contract and all parties were in agreement. The Plaintiff argued at trial that the appraiser was requiring \$24,000 and that all the escrow items were proper but Plaintiffs Exhibit 10 shows that the appraiser was only requiring \$10,000 not \$24,000 The Plaintiffs refused to remove anything from escrow even though they offered to and attempted to so how could the Defendant be in the wrong when he did everything in his power to attempt to close. Furthermore, the Plaintiffs Witness Realtor Andy Lord conceded that he was aware that the Defendant thought he was legally terminating the contract and he allowed the Defendant to do so with that in mind. Either Lord intentionally mislead the Defendant which prevented the closing from happening or he agreed with the Defendant that he was legally terminating and the painting and paving should have been removed. Either way, Realtor Lord is clearly the reason the closing didn't happen because he intentionally mislead both the Plaintiff and the Defendant! Regardless of what Lord told the Plaintiff or Defendant, it's all moot because the appraiser was only requiring \$10,000 to be escrowed not \$24,000 per Plaintiffs Exhibit 10 and the Plaintiffs admitted to refusing to remove

funds from escrow. On top of that the Plaintiffs also have unclean hands and are barred by judicial estoppel and the Defendant terminated due to the Financing clause so their claims fail as a matter of law.

Justice Billings Findings of Fact and Conclusion of Law isn't supported by any competent record evidence therefore, the Defendant is requesting Findings of Fact and Conclusions of Law regarding his (11) affirmative defenses as well as the Plaintiffs argument regarding the breach.

### **11.4.24 Motion for Finding Fact 52(b) (Exhibit T)**

## **Overview**

- Filed by Defendant Anthony Rinaldi / Southern Maine Construction in case Pierce v. Rinaldi, CV-2021-138.
- Argues that Justice Billings' findings were not supported by the record and that the Plaintiffs presented no credible evidence of breach or damages.
- Claims the Plaintiffs' entire case rested on perjurious testimony by Realtor Andy Lord and that Plaintiff Drew Pierce had no personal knowledge of the alleged breach.

## **Key Arguments**

1. Trial Court's Findings Are False
  - Judge stated Plaintiffs were "ready, willing, and able" to close on March 5, 2021.
  - Defendant argues closing was actually set for March 4, 2021.

- Plaintiffs breached first by refusing to remove improper escrow items (painting & paving).
- Appraisal only required \$10,000 escrow, not \$24,000, per Plaintiffs' own Exhibit 10.

## 2. Affirmative Defenses Overlooked

- Defendant raised 11 defenses (including jurisdiction, judicial estoppel, anticipatory repudiation, unclean hands, undue influence, failure to mitigate, waiver, misrepresentation, offset, and financing clause).
- Claims none were addressed by the court, even though overwhelming evidence supported them.

## 3. Perjury & Impeachment of Andy Lord

- Numerous contradictions between Lord's affidavits, trial testimony, and texts.
- Example: Lord testified that Defendant demanded \$4,000, but later admitted he offered it himself.
- Claimed to witness work on the house before it occurred, and made inconsistent statements about contract extensions and escrow requirements.

## 4. Evidence of Plaintiff Breach

- Plaintiffs refused to honor escrow adjustments despite legal obligation.
- Multiple texts and group messages document Defendant's termination of the contract for Plaintiff's anticipatory repudiation.
- Realtors admitted they pressured Defendant, misled him about obligations, and threatened foreclosure to force terms.

## 5. Damages Are Hypothetical

- Plaintiffs never purchased another home after termination.
- Post-trial evidence shows Drew Pierce later purchased a home in 2023 and resold it for a large profit, contradicting claimed damages.
- Defendant argues this proves Plaintiffs were not harmed.

## **Legal Conclusions Sought**

- Breach of Contract Claim Fails: Plaintiffs caused the breach through anticipatory repudiation and duress.
- Judicial Estoppel: Plaintiffs changed their story multiple times and misled the court.
- No Standing / No Damages: Plaintiffs lacked actual injury; damages were speculative or nonexistent.
- Misrepresentation & Unclean Hands: Plaintiffs' concealment, perjury, and refusal to mitigate should bar recovery.

## **Relief Requested**

- Court must amend its Findings of Fact and Conclusions of Law.
- Defendant's affirmative defenses should be formally recognized.
- Judgment should reflect that Plaintiffs, not Defendant, breached the contract and that their claims fail as a matter of law.

### **11.4.24 2nd Letter to Court Drew Perjury (Exhibit U)**

Here's a summary of the letter you uploaded (Letter Court Drew 11.4.pdf):

## Summary

### Author & Addressee

- Written by Defendant Anthony Rinaldi (Southern Maine Construction).
- Addressed to Clerk Shelley Sawyer at Cumberland County Superior Court, dated November 4, 2024.
- Marked for immediate forwarding to Justice Billings.

### Main Allegation

- Defendant asserts that Plaintiff Drew Pierce committed perjury at trial by testifying he never purchased another home.
- Evidence shows Pierce purchased a home in June 2023 and is now selling it for a \$350,000 profit.
- Defendant argues this proves Pierce was not damaged by the failed Cape Rd. closing, but instead profited.

### Fraud on the Court

- Defendant claims the lawsuit has dragged on for over 1,300 days (3.5 years), built on fraudulent testimony.
- States that Plaintiffs presented no evidence at trial, only perjured testimony.
- Defendant insists his 11 affirmative defenses (e.g., lack of jurisdiction, unclean hands, judicial estoppel, anticipatory repudiation, duress, undue influence, failure to mitigate, waiver, misrepresentation, offset, financing clause) were never refuted.



## Criticism of Justice Billings' Order

- Justice Billings' order found:
  - Closing was scheduled for March 5, 2021.
  - Plaintiffs were ready, willing, and able to close.
  - Defendant refused to close, breaching the contract.
  - Plaintiffs couldn't obtain a comparable property due to market changes.
- Defendant argues all of this is false:
  - Closing was actually March 4, 2021.
  - Plaintiffs refused to remove painting/paving items, leading to anticipatory repudiation.
  - Realtor Andy Lord misled both Defendant and Plaintiff, conceding contradictory testimony.
  - Appraiser only required \$10,000 escrow, not \$24,000.

## Conclusion

- Defendant states the Plaintiffs have unclean hands and are barred by judicial estoppel.
- Calls the trial outcome "unconscionable" and "the worst abuse of legal process in Maine history."
- Asserts he told the truth and the court failed him.
- Demands the court immediately correct the fraud given its severity .

Do you want me to turn this into a formal legal motion style summary (e.g., highlighting perjury as grounds for relief), or keep it as a neutral narrative summary for oversight/legislative purposes?

**11.12.24 Plaintiffs Motion for Amend Trial Order (Exhibit V)**

## **11.12.24 Motion for New Trial (Exhibit W)**

### **Case**

Drew Pierce & Janice Lariviere v. Anthony Rinaldi & Southern Maine Construction

Cumberland County Superior Court – Docket No. CV-2021-138

### **Motion**

The Defendant (Anthony Rinaldi) files a Motion for New Trial under Rule 59(a), arguing that the trial was fundamentally unfair and legally flawed.

### **Grounds for New Trial**

#### **1. Judicial Bias & Misconduct**

- Justice Billings allegedly acted with bias against the Defendant.
- Refused to rule on pending motions before trial, declaring them “moot,” including jurisdictional issues.

- Dismissed objections about creating a complete record, which Defendant argues was legally valid.
  - Reprimanded Defendant whenever he mentioned recordings.
2. Motions Ignored
- Defendant filed three motions in limine that were never addressed.
  - Claims Justice Billings aided and abetted Plaintiffs' alleged fraud.
3. Perjury Ignored
- Defendant alleges that Plaintiffs committed "perjury on a grand scale" after trial.
  - Despite being informed, Justice Billings ruled in favor of Plaintiffs without justification.
4. Evidence Issues
- Judge ruled that Defendant's recordings were only admissible if Plaintiffs were present in them, which Defendant claims is legally false.
5. Trial Time & Witness Restrictions
- Defendant requested six days for trial but was given only 1.5 days.
  - Not enough time to subpoena witnesses.
  - Forced to go to trial on dates when he was unavailable.

## **Relief Sought**

- Defendant requests that the Court grant a new trial due to:
  - Judicial error,
  - Bias,
  - Failure to address motions,

- Ignoring perjury evidence,
- Improper limitation of trial time and evidence.

Would you like me to expand this into a stronger, court-ready argument (with structured legal points and citations), or keep it as a neutral summary for now?

## **11.12.24 Renewed Motion Judgement Matter of Law**

### **(Exhibit X)**

## **Defendant's Core Arguments**

1. Plaintiffs presented no prima facie case:
  - They failed to prove damages, causation, or breach.
  - They did not refute any of Defendant's 11 affirmative defenses.
2. Burden of proof not met:
  - Plaintiffs' claims rested on false or contradictory statements (e.g., alleged text about selling house for more money, escrow requirements, upgrade denials).
3. Fraud & Perjury:
  - Plaintiffs' verified complaint included fabricated text and omitted exculpatory messages.
  - Drew Pierce allegedly lied about damages, since he later bought another house and profited.

## **Plaintiffs' Main Arguments (as summarized in motion)**

1. Defendant texted realtor Andy Lord that he wanted to sell house for more money.
2. Appraiser required \$24,000 in escrow.
3. Plaintiffs witnessed porch and bonus room before offer.
4. Application letter satisfied financing clause.
5. Dispute about paving arose March 5.
6. Plaintiffs never requested upgrades.
7. Realtors made concessions on paving.
8. Contract expired after March 5 failed negotiations .

## **Defendant's Rebuttals**

- Text Message Claim: Never sent; plaintiffs changed story multiple times (complaint, admissions, testimony).
- Escrow Claim: Appraisal required only \$10,000, not \$24,000.
- Porch/Bonus Room: Could not have been observed at time of offer.
- Application Letter: Did not meet Section 14 financing requirements; key attachment missing.
- Contract Termination: Occurred March 4 due to plaintiffs' anticipatory repudiation, not March 5.
- Upgrades: Plaintiffs requested and benefited from them but denied it at trial; later recordings prove otherwise.
- Concessions: Realtors attempted unauthorized offsets without Defendant's knowledge.
- Damages: Plaintiffs showed no proof; Pierce later profited from another home .

## **Affirmative Defenses Raised**

1. Lack of jurisdiction (no standing, no damages).
  2. Financing clause not satisfied.
  3. Judicial estoppel (plaintiffs changed story multiple times).
  4. Anticipatory repudiation (plaintiffs refused performance on March 4).
  5. Duress/undue influence (defendant pressured by realtors & lenders).
  6. Failure to mitigate damages.
  7. Waiver (plaintiffs refused extensions and remedies).
  8. Material misrepresentation (false statements & omissions).
  9. Offset (unpaid upgrades).
- 

## **Other Notable Facts**

- Drew Pierce testified he quit his job before closing.
- Evidence shows he later bought another house (June 2023) and gained \$350k profit, undermining damage claims.

## **Conclusion of Motion**

- Plaintiffs failed to meet their burden, presented false claims, and committed perjury.
- Defendant invokes multiple defenses (jurisdiction, estoppel, repudiation, waiver, fraud, etc.).

- Asserts this case represents “the worst abuse of the legal system in Maine history.”
- Requests immediate judgment in favor of Defendant under Rule 50(b) .

Would you like me to also draft a shorter “executive summary” version (1–2 paragraphs) that you could use for legislators or oversight bodies like OPEGA, instead of the detailed breakdown above?

11.12.24 Motion to Reconsider Rule 12(b)1 and Rule 11 (Exhibit Y)

## **11.25.24 Plaintiffs Opposition to 52(b) (Exhibit Z)**

# **Plaintiffs’ Opposition to Defendants’ Rule 52(b) Motion**

## **Core Argument**

The plaintiffs argue that the defendants’ Rule 52(b) motion (seeking amended or additional findings of fact and conclusions of law) should be denied in all respects. The plaintiffs maintain that the court’s October 28, 2024 judgment already contains adequate findings to support liability and damages of \$102,000 against the defendants.

## **Main Points**

### **A. Judgment Already Contains Adequate Findings**

- The court found a valid binding contract existed.
- Defendants breached by refusing to close on March 5, 2021, even though plaintiffs were ready, willing, and able to close.

- Plaintiffs suffered \$102,000 in damages (contract price \$385,000 vs. resale at \$487,000).
- Defendants' disagreement with these findings is not grounds for a Rule 52(b) motion.

## **B. Defendants' Proposed Additional Findings Lack Support**

- Defendants submitted 95 proposed findings, but most are unsupported, immaterial, or based on evidence excluded at trial.
- Many proposals try to re-litigate rejected defenses (anticipatory repudiation, misrepresentation, financing issues, etc.).
- Few are tied to actual admitted evidence, and many mischaracterize the record.

## **C. Improper Judicial Notice Requests**

- Defendants asked the court to take judicial notice of:
  - 19 statements of fact,
  - 7 responses to admissions,
  - 18 impeachment paragraphs for witness Andy Lord.
- Plaintiffs argue these are improper because judicial notice applies only to universally known or indisputable facts.
- Admissions or impeachment attempts not raised at trial cannot be brought in now.

## **D. Proposed Conclusions of Law Unsupported**

- Defendants' new conclusions of law lack record support.
- The judgment already establishes:
  1. Court had jurisdiction.



2. Plaintiffs' breach of contract claim was valid and not barred by prior litigation.
  3. Defendants breached and plaintiffs are entitled to damages.
- Defendants failed to prove any excuse for nonperformance (anticipatory repudiation, duress, waiver, misrepresentation, etc.), all of which were already considered and rejected.

## **Conclusion**

Because the judgment already contains sufficient factual and legal findings, and the defendants' proposed additions are unsupported, immaterial, or improper, the plaintiffs request that the court deny the Rule 52(b) motion entirely.

**12.10.24 3rd Letter to Court Drew Perjury (Exhibit A1)**

**5.19.25 Judges Amended Trial Order and Findings of Fact (Exhibit B1)**

Anthony Rinaldi  
Westbrook  
LD 1761

No legislation passed by this body has any legitimacy if the judicial system charged with enforcing it is corrupt. When judges suppress evidence, misstate the law, tolerate perjury, and deny due process with impunity, the rule of law collapses. At that point, legislation is nothing more than political theater.

I categorically oppose the current bill. It is reckless and irresponsible for the Legislature to continue producing new laws while ignoring clear, documented examples of judicial misconduct that strike at the heart of constitutional governance. A judiciary that is allowed to operate without accountability nullifies every statute this body enacts.

The most alarming fact is not that misconduct occurred—it is that it occurred openly, on the record, and without consequence. That is not an isolated failure; it is proof of systemic rot. Oversight mechanisms have failed. Judicial discipline has failed. Legislative oversight has failed. And the public is expected to pretend everything is functioning normally.

I therefore demand that the Legislature and the Judiciary Committee immediately halt business as usual and initiate a full investigation into how such misconduct was allowed to occur, who enabled it, and why existing oversight mechanisms failed. Until the integrity of the courts is restored, no new law deserves public trust.

A corrupted judiciary renders legislation meaningless. Fix the system first.