



Southern Maine Construction <southernmaineconstruction@gmail.com>

Request for Admission and Motions

4 messages

Anthony Rinaldi <southernmaineconstruction@gmail.com>

Thu, May 19, 2022 at 12:24 PM

To: James Monteleone <jmonteleone@bernsteinshur.com>, Judy Smith <jsmith@bernsteinshur.com>, jfortin@bernsteinshur.com, sanderson@bernsteinshur.com, rkeach@bernsteinshur.com, kdeckelmann@bernsteinshur.com, kmcgintee@bernsteinshur.com, kknox@bernsteinshur.com, hstrait@bernsteinshur.com, mturcotte@bernsteinshur.com, jboehme@bernsteinshur.com, mkramer@bernsteinshur.com, sostrow@bernsteinshur.com

I just wanted to give you a heads up regarding my plan moving forward.

1. I'm preparing a Request for Admission regarding every lie that was told by Matt Dibiase, Andy Lord, Drew Pierce and you. If you evade answering like in previous discovery requests then I will Motion to Compel and force you to admit to your fraudulent conduct.

2. I'm preparing a Motion for Clarification / Articulation regarding my Motion to Vacate 60(b) Fraud.

Justice O'Neil must give me a legal explanation for the denial. The law clerk had it for several weeks and Justice O'Neil only had it for a day so it's extremely odd for it to be denied without explanation.

3. Motion to Reconsider my Motion to Vacate 60(b) Fraud

I spent over 400 hours on that Motion. I'm sure 99% of Motions filed by Pro Se Defendants are done improperly but I'm the 1%. That Motion was a textbook example which proved without question that Fraud occurred and your lawsuit is Frivolous. I deserve the same rights as everyone else and should be taken serious. With all of these "Me Too" movements you would think that I wouldn't be discriminated against. It feels like I have no voice right now and that is wrong on so many levels.

Everyone in my household cried when we got the Denial letter and I literally didn't get out of bed for three days. The mental anguish this has caused by your malicious conduct has been horrible but rest assured I will get Justice.

I'm not sure why you would continue to fight this when you don't have one single piece of evidence to support your case and have the most "unclean hands".

Could you imagine working on a case for almost a year and not getting paid. I not only worked on that house for almost a year but I slept in my van and made major sacrifices to get it finished. Your attempting to steal every bit of my profit and on top of that your not playing fair. It's clear as day that you have no guilt regarding the emotion and financial damage you have caused. I could never do this to someone but at least I can hold my head high and know I didn't nothing wrong.

Sincerely,
Anthony Rinaldi

Paul McDonald <pmcdonald@bernsteinshur.com>

Mon, May 23, 2022 at 3:29 PM

To: "southernmaineconstruction@gmail.com" <southernmaineconstruction@gmail.com>

Dear Mr. Rinaldi,

I am Bernstein Shur's General Counsel. Your email below, as well as prior emails you have sent to members of the firm's Board of Directors and Management, was forwarded to me by the firm's Chief Operating Officer. I am replying to those emails on behalf of the firm.

I am familiar with the proceedings in the lawsuit involving you and Southern Maine Construction, LLC as Defendants and Drew Pierce and Janice Lariviere as Plaintiffs, including issues surrounding the Order of Attachment, Plaintiffs' Motion to Enlarge, Defendants' Motion to Modify Second Amended Scheduling Order, Defendants' Motion to Vacate Order of Attachment, Order Denying Defendants' Motion to Vacate Order of Attachment, and Order Granting in Part and Denying in Part Defendant's Motion to Modify Second Amended Scheduling Order.

While I appreciate that you are disappointed and frustrated by the process and outcome of these Motions and Orders, your allegations that James Monteleone or this firm is guilty of some legal and/or ethical wrongdoing in those matters are entirely without merit and we reject them completely.

Moreover, your sending emails to lawyers and staff in the firm who have no connection whatsoever to the matter is inappropriate, harassing and, to some of them, threatening. Therefore, I demand that you cease further communication regarding this matter with anyone at the firm except Mr. Monteleone and others who are working with him on the matter; e.g., his Legal Assistant. If you have *valid* legal or ethical complaints concerning Mr. Monteleone's conduct—of which to date there are none—please direct them to Mr. Monteleone and/or to me only. If you do not honor this request, we will block delivery of your emails to lawyers and staff who have no connection to the matter and/or take other appropriate action.

Sincerely,

Paul McDonald

Paul McDonald

Shareholder

General Counsel

207 228-7260 direct

207 774-1200 main

207 807-8682 mobile

207 774-1127 fax

[Online Payment](#)

[My Bio](#) | [LinkedIn](#) | [Twitter](#)

BERNSTEINSHUR

100 Middle Street PO Box 9729 [Portland, ME](#) 04104-5029 | [Manchester, NH](#) | [Augusta, ME](#) | [bernsteinshur.com](#)

Confidentiality notice: This message is intended only for the person to whom addressed in the text above and may contain privileged or confidential information. If you are not that person, any use of this message is prohibited. We request that you notify us by reply to this message, and then delete all copies of this message including any contained in your reply. Thank you.

From: Julie Watson Boehme <jboehme@bernsteinshur.com>

Sent: Thursday, May 19, 2022 12:26 PM

To: Paul McDonald <pmcdonald@bernsteinshur.com>

Subject: FW: Request for Admission and Motions

Julie Watson Boehme

she/her/hers pronouns

BERNSTEINSHUR - Chief Operating Officer

207 228-7220 direct

207 841-2920 mobile

Confidentiality notice: If you are not the person intended to receive this email, please notify us and please do not make use of this email for any purpose. Thank you.

From: Anthony Rinaldi <southernmaineconstruction@gmail.com>

Sent: Thursday, May 19, 2022 12:25 PM

To: James Monteleone <jmonteleone@bernsteinshur.com>; Judy Smith <jsmith@bernsteinshur.com>; Joan Fortin <jfortin@bernsteinshur.com>; Sam Anderson <sanderson@bernsteinshur.com>; Bob Keach <rkeach@bernsteinshur.com>; Kevan Lee Deckelmann <kdeckelmann@bernsteinshur.com>; Kai McGintee <kmcgintee@bernsteinshur.com>; Kate Knox <kknox@bernsteinshur.com>; Hawley Strait <hstrait@bernsteinshur.com>; Mary Beth Turcotte <mturcotte@bernsteinshur.com>; Julie Watson Boehme <jboehme@bernsteinshur.com>; Matthew Kramer <mkramer@bernsteinshur.com>; Susan V. Ostrow <sostrow@bernsteinshur.com>

Subject: Request for Admission and Motions

EXTERNAL EMAIL

[Quoted text hidden]

Anthony Rinaldi <southernmaineconstruction@gmail.com>

Tue, May 24, 2022 at 10:16 AM

To: Paul McDonald <pmcdonald@bernsteinshur.com>

I won't email the board or you again but it's laughable to think James hasn't violated his oath multiple times and that this case is anything but Frivolous. I have the truth on my side and it will be public record at some point. I appreciate your response but please don't insult my intelligence by trying to convince me that this isn't a MASSIVE FRAUD AND MASSIVE INJUSTICE!! I did hope that BernsteinShur wouldn't be ok with one of their attorneys doing this to someone and hope that once notified would attempt to right this wrong! If BernsteinShur wants to stand behind this egregious fraud then that's on them.

Sincerely,
Anthony Rinaldi

Sent from my iPhone

On May 23, 2022, at 3:30 PM, Paul McDonald <pmcdonald@bernsteinshur.com> wrote:

[Quoted text hidden]

Anthony Rinaldi <southernmaineconstruction@gmail.com>

Tue, May 24, 2022 at 11:26 AM

To: Paul McDonald <pmcdonald@bernsteinshur.com>, jmonteleone@bernsteinshur.com, Judy Smith <jsmith@bernsteinshur.com>, jfortin@bernsteinshur.com, sanderson@bernsteinshur.com, rkeach@bernsteinshur.com, kdeckelmann@bernsteinshur.com, kmcgintee@bernsteinshur.com, kknox@bernsteinshur.com, hstrait@bernsteinshur.com, mturcotte@bernsteinshur.com, jboehme@bernsteinshur.com, mkramer@bernsteinshur.com, sostrow@bernsteinshur.com

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Sincerely,
Anthony Rinaldi

[Quoted text hidden]



Southern Maine Construction <southernmaineconstruction@gmail.com>

Emergency Petition for Writ of Mandamus

17 messages

Southern Maine Construction <southernmaineconstruction@gmail.com>

Fri, Oct 13, 2023 at 8:01 AM

To: governor@maine.gov

Dear Governor, I've reached out to your office over (20) times and haven't gotten a single response. At this point I'd like you to acknowledge your complacency while the Worst Abuse of the Legal System in Maine History makes its way through the court system. If there was ever a reason to help a constituent then this would be it and yet I can't even get a response.

**Emergency Writ of Mandamus.pdf**

883K

Southern Maine Construction <southernmaineconstruction@gmail.com>

Fri, Oct 13, 2023 at 8:29 AM

To: lawcourt.clerk@courts.maine.gov, Diane Cavanaugh <diane.c.cavanaugh@courts.maine.gov>, Mark Caldwell <mark.caldwell@courts.maine.gov>, jfortin@bernsteinshur.com, James Monteleone <jmonteleone@bernsteinshur.com>, Paul McDonald <pmcdonald@bernsteinshur.com>, David Farmer <dfarmer@bernsteinshur.com>, Jeff Peterson <jpeterson@sbgvtv.com>, sggrindley@sbgvtv.com, governor@maine.gov, attorney.general@maine.gov, Amy.Arata@legislature.maine.gov, Anne-Marie.Mastraccio@legislature.maine.gov, Sawin.Millett@legislature.maine.gov, Jessica.Fay@legislature.maine.gov, Margaret.ONeil@legislature.maine.gov, Mark.Blier@legislature.maine.gov, Matt.Moonen@legislature.maine.gov, Lois.Reckitt@legislature.maine.gov

Dear Supreme Court Clerk,

I spoke to you on the phone yesterday and feel as if my Petition isn't being taken serious. I've spent over 2,200 hours on this frivolous litigation and the **rights of all Pro Se and indigent Litigants is on the line here.**

I wanted to clarify that I filed (6) Petitions for Writ of Mandamus. Each Petition was addressed to a particular Supreme Court Justice and I expect each Justice to receive the copy I provided them. Most importantly I want to make sure Chief Justice Valerie Stanfill is given the Petition I submitted to her.

Public confidence is the foundation in which our legal system is based on and this type of conduct can't be tolerated.

I've prepared hard copies of my Petition to be mailed to the Governor, AG, Judicial Conduct Board and State Senators and will continue to tell my story until Justice is served. I have the truth on my side and someone needs to fight for indigent and Pro Se litigants.

I don't wish this experience on anyone and can't believe this type of behavior can happen in this day and age.

Nonetheless, I hope the Supreme Court follows the same procedure that it did in all the previous Writs and doesn't Deprive me of Due Process more than I already have been. **If you look at the document below it tells a clear picture of how much Due Process I've received so far!!!!!! (EMPHASIS ADDED)**

**Procedural History.pdf**

97K

James Monteleone <jmonteleone@bernsteinshur.com>

Fri, Oct 13, 2023 at 8:54 AM

To: Southern Maine Construction <southernmaineconstruction@gmail.com>

Cc: Paul McDonald <pmcdonald@bernsteinshur.com>

Mr. Rinaldi:

Maine courts abolished the writ of mandamus in the 1960s, as stated in Rule 81(c) of the Maine Rules of Civil Procedure. What you've filed is a third interlocutory appeal of the same issues that have already been heard and rejected by the court – yet another cause for delay from you.

Where do we stand on mediation scheduling?

Regards,

James Monteleone

Attorney

207 228-7198 direct

207 774-1200 main

207 774-1127 fax

[LinkedIn](#) | [Twitter](#)

BERNSTEINSHUR

[Portland, ME](#) | [Manchester, NH](#) | [Augusta, ME](#) | [bernsteinshur.com](#)

Confidentiality notice: This message is intended only for the person to whom addressed in the text above and may contain privileged or confidential information. If you are not that person, any use of this message is prohibited. We request that you notify us by reply to this message, and then delete all copies of this message including any contained in your reply. Thank you.

From: Southern Maine Construction <southernmaineconstruction@gmail.com>

Sent: Friday, October 13, 2023 8:29 AM

To: lawcourt.clerk@courts.maine.gov; Diane Cavanaugh <diane.c.cavanaugh@courts.maine.gov>; Mark Caldwell <mark.caldwell@courts.maine.gov>; Joan Fortin <jfortin@bernsteinshur.com>; James Monteleone <jmonteleone@bernsteinshur.com>; Paul McDonald <pmcdonald@bernsteinshur.com>; David Farmer <dfarmer@bernsteinshur.com>; Jeff Peterson <jpeterson@sbgvtv.com>; sggrindley@sbgvtv.com; governor@maine.gov; attorney.general@maine.gov; Amy.Arata@legislature.maine.gov; Anne-Marie.Mastraccio@legislature.maine.gov; Sawin.Millett@legislature.maine.gov; Jessica.Fay@legislature.maine.gov; Margaret.ONeil@legislature.maine.gov; Mark.Blier@legislature.maine.gov; Matt.Moonen@legislature.maine.gov; Lois.Reckitt@legislature.maine.gov

Subject: Emergency Petition for Writ of Mandamus

EXTERNAL EMAIL

[Quoted text hidden]

Southern Maine Construction <southernmaineconstruction@gmail.com>

Fri, Oct 13, 2023 at 10:31 AM

To: James Monteleone <jmonteleone@bernsteinshur.com>

Cc: Paul McDonald <pmcdonald@bernsteinshur.com>, jfortin@bernsteinshur.com, David Farmer <dfarmer@bernsteinshur.com>

Yes you're correct, that Maine abolished Writs in 1967 but if you see pg 27 of my Petition, "Those changes did not "alter the substantive law pertaining to the writs or make any change in the kinds of relief available in situations where they have been appropriate." SEE BELOW

Nonetheless, I have indeed filed a Motion to Recuse, Motion to Reconsider Recusal, Interlocutory Appeal, Motion to Reconsider Interlocutory Appeal and 2nd Interlocutory Appeal. This Petition is brought due to the fact that the court system has failed me on a monumental scale and has deprived me of Due Process. You and I both know that your lawsuit is Frivolous and if this Petition isn't taken serious then I will continue to fight until Justice is served. **I busted my Butt on that house, slept in my van and did nothing wrong so all of you should be ashamed of yourself for taking advantage of a honest small business owner.**

As to mediation, I have reached out and asked if they had time available in November but haven't heard back.

Maine Rules of Civil Procedure, together with the repeal of various statutes in Title 14 in 1967, abolished those writs as “separate procedural devices,” those changes did not “alter the substantive law pertaining to the writs or make any change in the kinds of relief available in situations where they have been appropriate.” M.R. Civ. P. 81 advisory committee’s notes to 1967 amend., Dec. 31, 1967. Thus, while the Legislature repealed the various statutes setting forth procedures for obtaining writs of mandamus, prohibition, etc., it left § 5301 intact, amended to reflect that the Supreme Judicial Court’s jurisdiction was now over “proceedings” to obtain these forms of relief rather than “writs.” P.L. 1967, ch. 441, § 6.

Second, the Court has jurisdiction to determine this action under 4 M.R.S. § 7. That statute gives the Court jurisdiction to, among other things, “issue all writs and processes, not within the exclusive jurisdiction of the Superior Court, necessary for the furtherance of justice or the execution of the laws.” 4 M.R.S.A. § 7 The 1841 version of the statute read “They [the members of the SJC] shall have power to issue writs of error, certiorari, mandamus, prohibition, quo warranto, and all other processes and writs, to courts of inferior jurisdiction, to corporations and individuals, which may be necessary for the furtherance of justice, and the due execution of the law.” R.S. ch. 96, § 5 (1841). rules, should suffice to protect the interests of justice and the execution of the laws. However, the situation now presented to this Court, in which the Inferior Courts refuse to follow the rule of law meets the exacting requirements for issuance of a writ under § 7.

Sent from my iPhone

On Oct 13, 2023, at 8:54 AM, James Monteleone <jmonteleone@bernsteinshur.com> wrote:

[Quoted text hidden]

Joel Biron <lawcourt.clerk@courts.maine.gov>
Reply-To: Joel Biron <lawcourt.clerk@courts.maine.gov>
To: southernmaineconstruction@gmail.com

Fri, Oct 13, 2023 at 4:30 PM

Thank you for your email. The email is not signed, but I understand from the sending email address and the context that I am now writing to Mr. Rinaldi.

To clarify the procedure, petitions for extraordinary writs are assigned to a single Justice of the Court. The Justice will review the submitted material and will determine if any additional process is necessary. A final order of a single Justice may be appealed to the entire Law Court.

At this stage, your petition is proceeding in the usual course under Maine Supreme Judicial Court docket number SJC-23-4.

Thank you,
Joel

--

Joel Biron
Deputy Clerk
Maine Supreme Judicial Court
205 Newbury St Rm 139
Portland ME 04101
(207) 822-4146

[Quoted text hidden]

Maine Supreme Judicial Court powered by Freshdesk

Southern Maine Construction <southernmaineconstruction@gmail.com>

Mon, Oct 16, 2023 at 8:08 AM

To: Joel Biron <lawcourt.clerk@courts.maine.gov>, James Monteleone <jmonteleone@bernsteinshur.com>, jfortin@bernsteinshur.com, Paul McDonald <pmcdonald@bernsteinshur.com>, David Farmer <dfarmer@bernsteinshur.com>, Diane Cavanaugh <diane.c.cavanaugh@courts.maine.gov>, Mark Caldwell <mark.caldwell@courts.maine.gov>, Jeff Peterson <jpeterson@sbgvtv.com>, sggrindley@sbgvtv.com, governor@maine.gov

With all due respect, I feel like I'm in the twilight zone right now. How does this happen in this day and age. The **PLAINTIFFS HAVE ADMITTED THEIR ENTIRE ORIGINAL LAWSUIT IS ALL FALSE** so what is even happening right now! Let me repeat that, the **PLAINTIFFS HAVE ADMITTED THEIR ENTIRE ORIGINAL LAWSUIT IS ALL FALSE. They also don't have any evidence, witnesses and have no explanation for their egregious conduct.**

I've reviewed many Writ of Mandamus and other extraordinary writs decided in this state and a panel of Justices rule on the Writ every time so **why wouldn't I be treated like all the other Petitioners. Furthermore, THIS PETITION IS REGARDING SUPREME COURT JUSTICE ANDREW HORTON SO THERE IS A CLEAR CONFLICT OF INTEREST AND GIVEN THE GRAVITY OF THIS SITUATION I THINK ITS OBVIOUS THAT A PANEL OF JUSTICES IS THE ONLY FAIR OPTION.**

-

The fact that you said "appeal" is really concerning to me. This isn't just a 3rd Interlocutory appeal or a Petition that lacks merit this is the **WORST ABUSE OF THE LEGAL SYSTEM IN MAINE HISTORY**. Can you point me to the code or statue where it says it goes to a Single Justice or anything of the like. It's established case law that a Petition is to be read and ruled on the merits by a panel regardless if it gets approved or not.

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[Quoted text hidden]

Joel Biron <lawcourt.clerk@courts.maine.gov>
Reply-To: Joel Biron <lawcourt.clerk@courts.maine.gov>
To: southernmaineconstruction@gmail.com

Tue, Oct 17, 2023 at 8:20 AM

The Chief Justice's order on single justice assignments governs the assignment of petitions for extraordinary writs. I've attached the most recent version of the order below.
Thank you,

Joel

--

Joel Biron
Deputy Clerk
Maine Supreme Judicial Court
205 Newbury St Rm 139
Portland ME 04101
(207) 822-4146

On Mon, Oct 16 at 8:08 AM , Southern Maine Construction <southernmaineconstruction@gmail.com> wrote:

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Deputy Clerk
Maine Supreme Judicial Court
205 Newbury St Rm 139
Portland ME 04101
(207) 822-4146

On Fri, Oct 13 at 8:29 AM , Southern Maine Construction
<southernmaineconstruction@gmail.com> wrote:

[Quoted text hidden]

Maine Supreme Judicial Court powered by Freshdesk

[Quoted text hidden]



SJC-213 2023.09.23 assignments.pdf
358K

Southern Maine Construction <southernmaineconstruction@gmail.com>
To: Heather Schmidt <heatherschmidtty@gmail.com>, mainlyboudoir@gmail.com

Tue, Oct 17, 2023 at 11:34 AM

Sent from my iPhone

Begin forwarded message:

From: Joel Biron <lawcourt.clerk@courts.maine.gov>
Date: October 17, 2023 at 8:20:20 AM EDT
To: southernmaineconstruction@gmail.com
Subject: Re: Re: Emergency Petition for Writ of Mandamus
Reply-To: Joel Biron <lawcourt.clerk@courts.maine.gov>

[Quoted text hidden]

Southern Maine Construction <southernmaineconstruction@gmail.com>
To: Joel Biron <lawcourt.clerk@courts.maine.gov>, James Monteleone <jmonteleone@bernsteinshur.com>, Paul McDonald <pmcdonald@bernsteinshur.com>, Diane Cavanaugh <diane.c.cavanaugh@courts.maine.gov>

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[Quoted text hidden]

Southern Maine Construction <southernmaineconstruction@gmail.com>

Wed, Oct 18, 2023 at 4:02 AM

To: Joel Biron <lawcourt.clerk@courts.maine.gov>, Diane Cavanaugh <diane.c.cavanaugh@courts.maine.gov>, James Monteleone <jmonteleone@bernsteinshur.com>, Paul McDonald <pmcdonald@bernsteinshur.com>, David Farmer <dfarmer@bernsteinshur.com>

SJC-213 permits assignments of a single Justice "**in particular cases as deemed advisable by Chief Justice**" After this order which was issued on May 31, 2022 the majority of orders issued by the Supreme Court are done by a panel. Furthermore, my Petition is regarding one of the seven Justices so clearly there is a conflict of interest. I'm submitting a letter to Chief Justice Stanfill today requesting a full panel. On top of this BernsteinShur Attorney Casey McCullen was a law clerk for Justice Wayne Douglas and works in the same office and field as Attorney Monteleone. This was brought up during my Motion to Recuse. Can you direct me to the original order SJC-213 which was issued May 31, 2022.

Sent from my iPhone

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Deputy Clerk
Maine Supreme Judicial Court
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Portland ME 04101
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a clear picture of how much Due Process I've received so far!!!!!! (EMPHASIS ADDED)

Maine Supreme Judicial Court powered by Freshdesk
Maine Supreme Judicial Court powered by Freshdesk

2 attachments**SJC-23-2_assignment_order.pdf**

794K

**SJC-213 2023.09.23 assignments.pdf**

358K

Joel Biron <lawcourt.clerk@courts.maine.gov>
Reply-To: Joel Biron <lawcourt.clerk@courts.maine.gov>
To: southernmaineconstruction@gmail.com

Wed, Oct 18, 2023 at 8:16 AM

There is no "original" SJC-213 order. The Chief Justice periodically issues orders under that docket number when there is a change to the Justices of the Court. The order I've sent you is the current order.

At this point, you've written several emails that make a variety of points. I want to be clear that the action that can be taken on any email is limited. By email, this Office will answer any questions we can, including status and procedural questions. However, any arguments you wish to make to the Court regarding how you want your matter to proceed or the substance of your matter must be properly submitted in writing. I understand that you are submitting a request in letter form. We will process that letter as soon as we receive it.

Thank you,
Joel

--

Joel Biron
Deputy Clerk
Maine Supreme Judicial Court
205 Newbury St Rm 139
Portland ME 04101
(207) 822-4146

On Wed, Oct 18 at 4:03 AM , Southern Maine Construction <southernmaineconstruction@gmail.com> wrote:

SJC-213 permits assignments of a single Justice **"in particular cases as deemed advisable by Chief Justice"** After this order which was issued on May 31, 2022 the majority of orders issued by the Supreme Court are done by a panel. Furthermore, my Petition is regarding one of the seven Justices so clearly there is a conflict of interest. I'm submitting a letter to Chief Justice Stanfill today requesting a full panel. On top of this BernsteinShur Attorney Casey McCullen was a law clerk for Justice Wayne Douglas and works in the same office and field as Attorney Monteleone. This was brought up during my Motion to Recuse. Can you direct me to the original order SJC-213 which was issued May 31, 2022.

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

, Southern Maine Construction <southernmaineconstruction@gmail.com> wrote:

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

Maine Supreme Judicial Court powered by
Freshdesk

Maine Supreme Judicial Court powered by Freshdesk

[Quoted text hidden]

Southern Maine Construction <southernmaineconstruction@gmail.com>

Thu, Oct 19, 2023 at 10:02 PM

To: Joel Biron <lawcourt.clerk@courts.maine.gov>, Diane Cavanaugh <diane.c.cavanaugh@courts.maine.gov>, Paul McDonald <pmcdonald@bernsteinshur.com>, James Monteleone <jmonteleone@bernsteinshur.com>, jfortin@bernsteinshur.com, David Farmer <dfarmer@bernsteinshur.com>, Mark Caldwell <mark.caldwell@courts.maine.gov>, governor@maine.gov

Deputy Clerk Biron,

I yesterday and today to pull records and drop my letter off addressed to Chief Justice regarding SJC-213, Maine Civil Procedure Title 14 §1103 and due to the circumstances around my Writ of Mandamus as well as my Motion to Amend Writ of Mandamus.

You told me that you do things different with Petitions regarding docketing them so you don't have a docket sheet. If that's accurate then can you send me proof that my Petition for Mandamus was assigned to a Justice and that Chief Justice Stanfill gets the correspondence I submitted as well as my Motion to Amend.

Also, can you send me the statute or order that allows you to not create a record when something is properly filed like my Writ of Mandamus.

We discussed that both of my Notice of Appeals were dismissed without the Law Court knowing why I filed either one or what they were about. I asked who brought the Notice to the Justices attention and because it's not normal for Appeals to get denied prior to briefing when their Notice of Appeal was properly filed and they paid the \$175 (\$350 total)

You said that you determined if Interlocutory appeals are proper or not and bring them to a Justices attention if you determine they aren't but your not a Justice and I don't see anything other than the docket sheet that was pulled so I don't get how you can determine it's not proper based on a docket sheet and why your able to pick and choose who gets to file an appeal and who doesn't.

My Motion to Reconsider claimed this was the WORST ABUSE OF THE LEGAL SYSTEM IN MAINE HISTORY and provided evidence proving it and yet it was dismissed anyways and without good cause shown. On top of that I filed a 2nd Notice of Appeal Regarding the Denial of (23) Motions and it was submitted 2 Days early plus I submitted a four page statement of issue stating this is the WORST ABUSE OF THE LEGAL SYSTEM IN MAINE HISTORY and more than enough details to warrant an appeal. **I did this so that the Law Court wouldn't dismiss my Notice of Appeal without allowing me to properly file a brief but it was dismissed anyways.**

Lastly, my Petition for Mandamus is due to how my two Notice of Appeals were handled and how my Motion to Reconsider was handled which you had direct involvement with so it's concerning to me that my Petition doesn't have a docket sheet and I have no proof that my correspondence is getting through to Chief Justice Stanfill.

Sent from my iPhone

On Oct 18, 2023, at 8:16 AM, Joel Biron <lawcourt.clerk@courts.maine.gov> wrote:

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Joel

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On Oct 17, 2023, at 8:20 AM, Joel Biron <lawcourt.clerk@courts.maine.gov> wrote:

The Chief Justice's order on single justice assignments governs the assignment of petitions for extraordinary writs. I've attached the most recent version of the order below.

Thank you,
Joel

--

Joel Biron
Deputy Clerk
Maine Supreme Judicial Court
205 Newbury St Rm 139
Portland ME 04101
(207) 822-4146

On Mon, Oct 16 at 8:08 AM , Southern Maine Construction <southernmaineconstruction@gmail.com> wrote:

With all due respect, I feel like I'm in the twilight zone right now. How does this happen in this day and age.

The **PLAINTIFFS HAVE ADMITTED THEIR ENTIRE ORIGINAL LAWSUIT IS ALL FALSE** so what is even happening right now! Let me repeat that, the **PLAINTIFFS HAVE ADMITTED THEIR ENTIRE ORIGINAL LAWSUIT IS ALL FALSE. They also don't have any evidence, witnesses and have no explanation for their egregious conduct.**

I've reviewed many Writ of Mandamus and other extraordinary writs decided in this state and a panel of Justices rule on the Writ every time so **why wouldn't I be treated like all the other Petitioners. Furthermore, THIS PETITION IS REGARDING SUPREME COURT JUSTICE ANDREW HORTON SO THERE IS A CLEAR CONFLICT OF INTEREST AND GIVEN THE GRAVITY OF THIS SITUATION I THINK ITS OBVIOUS THAT A PANEL OF JUSTICES IS THE ONLY FAIR OPTION.**

-
The fact that you said "appeal" is really concerning to me. This isn't just a 3rd Interlocutory appeal or a Petition that lacks merit this is the **WORST ABUSE OF THE LEGAL SYSTEM IN MAINE HISTORY**. Can you point me to the code or statute where it says it goes to a Single Justice or anything of the like. It's established case law that a Petition is to be read and ruled on the merits by a panel regardless if it gets approved or not.

Sent from my iPhone

On Oct 13, 2023, at 4:30 PM, Joel Biron
<lawcourt.clerk@courts.maine.gov> wrote:

Thank you for your email.
The email is not signed, but I understand from the sending email address and the context that I am now writing to Mr. Rinaldi.

To clarify the procedure, petitions for extraordinary writs are assigned to a single Justice of the Court. The Justice will review the submitted material and will determine if any additional process is necessary. A final order of a single Justice may be appealed to the entire Law Court.

At this stage, your petition is proceeding in the usual course under Maine Supreme Judicial Court docket number SJC-23-4.

Thank you,
Joel

--

Joel Biron
Deputy Clerk
Maine Supreme Judicial Court
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(207) 822-4146

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Maine Supreme Judicial Court powered by Freshdesk

7 attachments

7 Q. So that was the end of that exchange, is it?

8 A. I mean you were at that office in Westbrookville.

9 And you said while I was having this

10 conversation with you, you were, from what I

11 understood,

12 about you at the office with who and what

13 at 4:00 p.m. on March 30th, I guess, was it not?

14 A. Was that the day of the shooting?

15 Q. That's right, it was.

16 A. Yes.

17 Q. So were you aware that I was having back and

18 forth with Andy at that time, you or not?

19 A. I know you guys were communicating because

20 they were trying to get you down there because

21 I had already signed off of the shooting

22 documents, and you didn't show up.

23 Q. I guess, was he referring the same

24 information to you or were you getting limited

25 information?

image0.jpeg
103K

1 of them.

2 Q. Well, wouldn't you agree that it is in your

3 legal interest about what the compensation of a witness

4 is, isn't that what it is about?

5 A. Not really.

6 Q. I mean, I mean, you're a witness, you're a

7 witness, you're a witness, you're a witness, you're a

8 witness, you're a witness, you're a witness, you're a

9 witness, you're a witness, you're a witness, you're a

10 witness, you're a witness, you're a witness, you're a

11 witness, you're a witness, you're a witness, you're a

12 witness, you're a witness, you're a witness, you're a

13 witness, you're a witness, you're a witness, you're a

14 witness, you're a witness, you're a witness, you're a

15 witness, you're a witness, you're a witness, you're a

16 witness, you're a witness, you're a witness, you're a

17 witness, you're a witness, you're a witness, you're a

18 witness, you're a witness, you're a witness, you're a

19 witness, you're a witness, you're a witness, you're a

20 witness, you're a witness, you're a witness, you're a

21 witness, you're a witness, you're a witness, you're a

22 witness, you're a witness, you're a witness, you're a

23 witness, you're a witness, you're a witness, you're a

24 witness, you're a witness, you're a witness, you're a

25 witness, you're a witness, you're a witness, you're a

image1.jpeg
328K

1 Q. And, let's see, you've indicated that you're

2 going to the hospital, is that right?

3 A. Yes, I'm going to the hospital.

4 Q. And, let's see, you're going to the hospital,

5 is that right?

6 A. Yes, I'm going to the hospital.

7 Q. And, let's see, you're going to the hospital,

8 is that right?

9 A. Yes, I'm going to the hospital.

10 Q. And, let's see, you're going to the hospital,

11 is that right?

12 A. Yes, I'm going to the hospital.

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18 A. Yes, I'm going to the hospital.

19 Q. And, let's see, you're going to the hospital,

20 is that right?

21 A. Yes, I'm going to the hospital.

22 Q. And, let's see, you're going to the hospital,

23 is that right?

24 A. Yes, I'm going to the hospital.

25 Q. And, let's see, you're going to the hospital,

image2.jpeg
275K **Procedural History.pdf**
97K **Motion to Amend Writ of Mandamus.pdf**
172K **lettet to Stanfill.pdf**
126K **Emergency Writ of Mandamus.pdf**
883K

Joel Biron <lawcourt.clerk@courts.maine.gov>
Reply-To: Joel Biron <lawcourt.clerk@courts.maine.gov>
To: southernmaineconstruction@gmail.com

Fri, Oct 20, 2023 at 4:57 PM

Dear Mr. Rinaldi:

This email is confirmation that your petition for a writ of mandamus was received on October 11, 2023, and is proceeding in the usual course under Supreme Judicial Court docket number SJ-23-4. This Office also received your letter to the Chief Justice and motion to amend your petition on October 19, 2023.

The Court has not yet taken any action on your filings in this matter. Once any action is taken, or I need any further information from you, I will let you know.

The Court will determine how this matter is docketed. Once that occurs, I can provide you a copy of the docket record.

If you have further requests of the Court, you must file those requests in writing. If you have further legal questions, you may contact a Maine Law Library or an attorney licensed to practice law in the State of Maine.

Thank you,
Joel Biron

--

Joel Biron
Deputy Clerk
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[Quoted text hidden]

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[Quoted text hidden]

Southern Maine Construction <southernmaineconstruction@gmail.com>
To: mainlyboudoir@gmail.com

Fri, Oct 20, 2023 at 7:34 PM

Sent from my iPhone

Begin forwarded message:

From: Joel Biron <lawcourt.clerk@courts.maine.gov>
Date: October 20, 2023 at 4:57:34 PM EDT
To: southernmaineconstruction@gmail.com
Subject: **Re: Re: Emergency Petition for Writ of Mandamus**
Reply-To: Joel Biron <lawcourt.clerk@courts.maine.gov>

[Quoted text hidden]

Southern Maine Construction <southernmaineconstruction@gmail.com>
To: governor@maine.gov

Fri, Oct 20, 2023 at 8:21 PM

Sent from my iPhone

Begin forwarded message:

From: Southern Maine Construction <southernmaineconstruction@gmail.com>
Date: October 20, 2023 at 7:34:16 PM EDT
To: mainlyboudoir@gmail.com
Subject: **Fwd: Emergency Petition for Writ of Mandamus**

[Quoted text hidden]

Southern Maine Construction <southernmaineconstruction@gmail.com>

Mon, Oct 23, 2023 at 12:36 PM

To: Barbara Cardone <barbara.cardone@courts.maine.gov>, governor@maine.gov

This can't be normal??

From: Joel Biron <lawcourt.clerk@courts.maine.gov>
Date: October 20, 2023 at 4:57:34 PM EDT
To: southernmaineconstruction@gmail.com
Subject: Re: Re: Emergency Petition for Writ of Mandamus
Reply-To: Joel Biron <lawcourt.clerk@courts.maine.gov>

[Quoted text hidden]

Southern Maine Construction <southernmaineconstruction@gmail.com>

Thu, Nov 2, 2023 at 9:43 AM

To: Joel Biron <lawcourt.clerk@courts.maine.gov>, Diane Cavanaugh <diane.c.cavanaugh@courts.maine.gov>, James Monteleone <jmonteleone@bernsteinshur.com>, Paul McDonald <pmcdonald@bernsteinshur.com>, David Farmer <dfarmer@bernsteinshur.com>, Joan Fortin <jfortin@bernsteinshur.com>, Maine Journal News <mainejournalnews@gmail.com>, tips@wgme.com, governor@maine.gov

Clerk Biron,

I apologize for writing and will drop off a hard copy of this letter but I'm really upset. I called your office yesterday to get an update and I was told that Chief Justice Stanfill denied my request for a panel to look at my Petition and that my Petition is assigned to Catherine Connors. I'm trying my best to not get upset but this has gone too far. Why isn't my Petition with Justice Wayne Douglas like you told me and if Douglas isn't available then I don't mind waiting or give it to a Justice that doesn't have direct ties to all the Respondents. Attorney Monteleone, Paul McDonald and Justice O'Neil have recently claimed my position is without merit but 99% of my arguments are supported by facts so it's unconscionable to even imply such. I asked Attorney Monteleone and McDonald to send me a single piece of evidence supporting their position and they were unable to. Nonetheless, it's crystal clear that this can't be explained and fraud has occurred.

Nonetheless, you assured me that my Writ is proceeding in its normal course and provided me with a document showing Wayne Douglas is assigned to Cumberland County so why does Catherine Connors have my Petition. Out of all of the Justices on the Supreme Court she should be the last one chosen due to the following.

1. Attorney James Monteleone and Justice Catherine Connors are both Graduates of Northwestern University
2. Justice Catherine Connor's is Justice John O'Neils neighbor.
3. Justice Catherine Connor was sworn into the Supreme Court with Justice Andrew Horton
4. Justice Catherine Connors and Andrew Horton shared Law Clerk Taylor Engdahl
5. Justice Catherine Connors has only been a Justice for 3 years and has only ruled over (27) Decisions.
6. It appears that Justice Catherine Connors has never deal with a single Justice assignment. (This may be wrong but appears true)
7. Justice Catherine Connors has never served on the District or Superior Court and is currently the most inexperienced Justice on the Supreme Court by far.

8. Justice Catherine Connor was a Partner for Pierce Atwood and they have very close ties with BernsteinShur.
9. BernsteinShur, Pierce Atwood and UMaine Law are all teaming up for the D1L Maine Diversity Summer program.
10. BernsteinShur Attorneys Mary Costigan, Christine Dulac, Katherine Knox, Ron Schneider, Shiloh Theberge, Tara Walker are all adjunct Professors at UMaine Law.
11. Justice Andrew Horton is an adjunct Professor at UMaine Law
12. BernsteinShur and Pierce Atwood both contributed large amounts to the Mills compain.
13. BernsteinShur Shareholder Richard Prentice was previously a partner at Pierce Atwood
14. Pierce Atwood Partner Sarah Tracy was previously a Shareholder at BernsteinShur
15. Pierce Atwood Partner Peter Hale was previously a Shareholder at BernsteinShur

Mar 3, 2021, 7:53 AM

Matt Dibiase

MD

Mikey please find the info for buyers to close on Thursday

Mar 4, 2021, 3:04 PM

Just so we are all on the same page. The buyers are refusing to honor the contract. Asphalt is considered the top coat and gravel is the aggregate base coat. The paint was done at temperatures above the required amount and given supplemental dry air to make sure it adheres properly.

Regardless if I got a quote it doesn't change the language of the contract. I got a quote because I was told to just like I finished the garage when I actually didn't need to.

Matt Dibiase

Sorry it didn't work out

MD

Again the buyer was willing to accept the house as-is

I agree. If Drew wants to get there things let me know so we can make arrangements.



iMessage



Andy >



iMessage
Fri, Mar 5, 4:32 PM

Then come here and we can work it through

I'm not legally obligated to at this point and it's not right how I've been treated

You get 13,353 today.

That's not what we agreed on

I'm sorry your feelings are hurt.

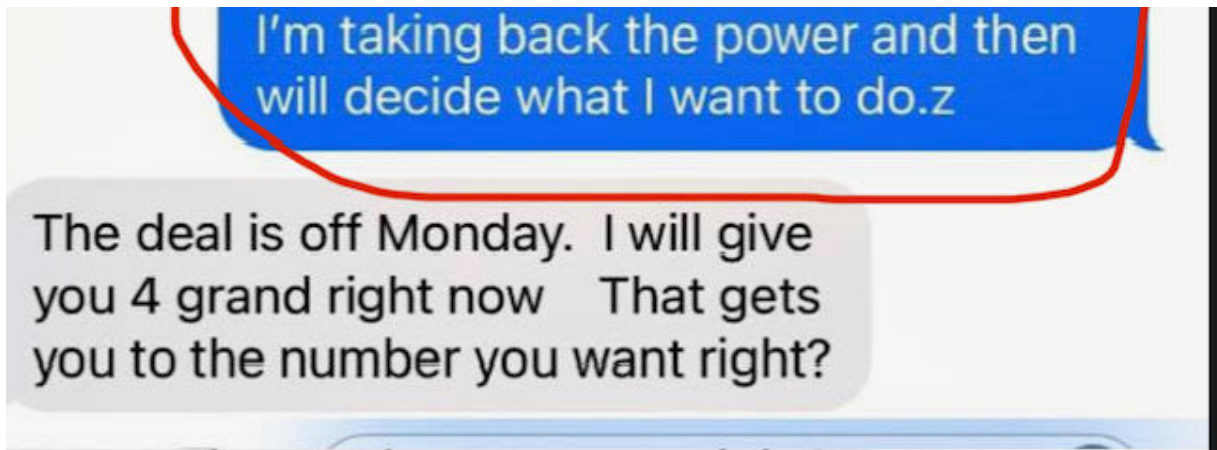
Isn't it better to take that or lose the house? Come on man. This is not fair

Even if he got to 17,800 it still would be a breach because it wasn't removed from escrow

There isn't a chance in hell I will lose this.









It's not about Matt

It's about Drew and Susie and they have been very patient. It's not fair to them for you to do this



iMessage



Matt Dibiase

MD

Contract is extended until tomorrow legally

No it's now null and void because they are refusing to honor it

A clear breach of contract

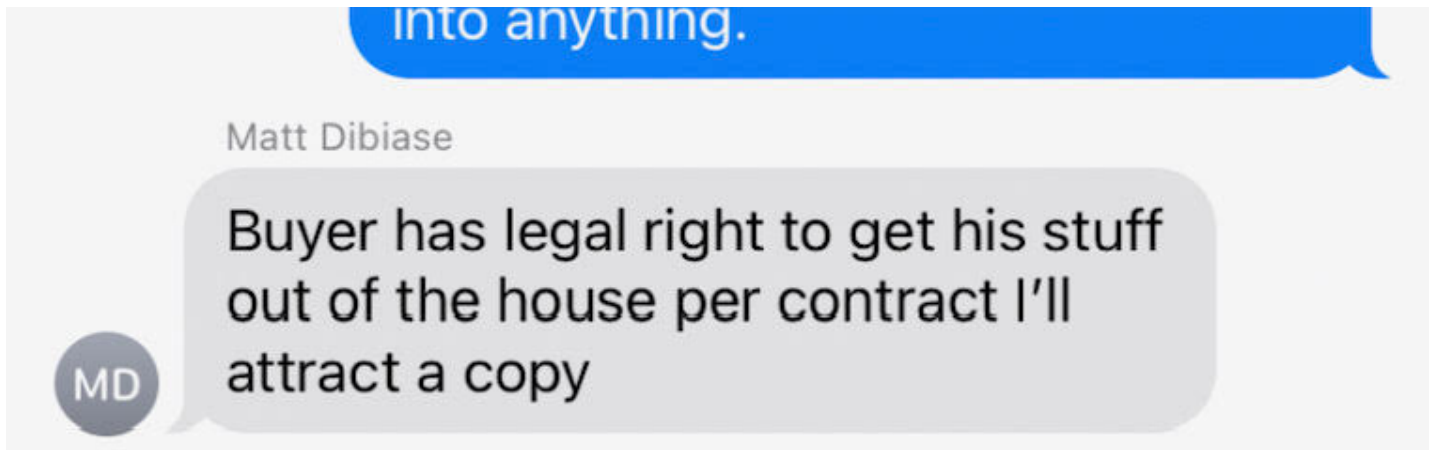
I've had a long as couple days and I'm not in the mood to deal with him

I'm about two seconds away from calling the Sheriffs Department

Mar 5, 2021, 5:21 PM

I am not sure why all of you are heading to my house. None of you have a right to be there and there's nothing you can do to change my mind. I have the legal right to walk.

I said I will call Andy on Monday so we can talk but after everything that's happened I'm not rushing



On Oct 20, 2023, at 7:34 PM, Southern Maine Construction <southernmaineconstruction@gmail.com> wrote:

[Quoted text hidden]



Southern Maine Construction <southernmaineconstruction@gmail.com>

Offer

5 messages

Southern Maine Construction <southernmaineconstruction@gmail.com> Tue, Dec 5, 2023 at 5:59 PM
To: Paul McDonald <pmcdonald@bernsteinshur.com>, Joan Fortin <jfortin@bernsteinshur.com>, James Monteleone <jmonteleone@bernsteinshur.com>, David Farmer <dfarmer@bernsteinshur.com>

Dear Paul and Joan,

I have an offer for you that can end this nightmare for everyone and we can all walk away. I also think it's very fair and a no brainer. If you want to hear it then let me know if not no worries.

Sincerely,
Anthony Rinaldi

Paul McDonald <pmcdonald@bernsteinshur.com> Wed, Dec 6, 2023 at 9:49 AM
To: Southern Maine Construction <southernmaineconstruction@gmail.com>

Mr. Rinaldi,

What are the terms of the offer?

Paul McDonald

Paul McDonald
Shareholder
Litigation Practice Group Leader & General Counsel

207 228-7260 direct

207 774-1200 main

207 807-8682 mobile

207 774-1127 fax

[My Bio](#) | [LinkedIn](#) | [Twitter](#)

BERNSTEINSHUR

100 Middle Street PO Box 9729 [Portland, ME](#) 04104-5029 | [Manchester, NH](#) | [Augusta, ME](#) | [bernsteinshur.com](#)

Confidentiality notice: This message is intended only for the person to whom addressed in the text above and may contain privileged or confidential information. If you are not that person, any use of this message is prohibited. We request that you notify us by reply to this message, and then delete all copies of this message including any contained in your reply. Thank you.

-----Original Message-----

From: Southern Maine Construction <southernmaineconstruction@gmail.com>

Sent: Tuesday, December 5, 2023 5:59 PM

To: Paul McDonald <pmcdonald@bernsteinshur.com>; Joan Fortin <jfortin@bernsteinshur.com>; James Monteleone <jmonteleone@bernsteinshur.com>; David Farmer <dfarmer@bernsteinshur.com>

Subject: Offer

--External Email--

[Quoted text hidden]

Southern Maine Construction <southernmaineconstruction@gmail.com>

Wed, Dec 6, 2023 at 12:30 PM

To: Paul McDonald <pmcdonald@bernsteinshur.com>

Hey Paul,

I'd like to meet with you and Joan only and off the record if that makes you more comfortable. I'm not expecting either of you to say anything but I would like you both to hear me out before I tell you what I'm offering and why I'm offering it. I'm a kind person and was raised properly so I will be professional and I can't imagine it will take any longer than an hour. I can leave my cell phone outside so you don't have to worry about me recording or we can record the meeting if you want to document it.

Nonetheless, I'm attempting to give your firm a viable option to end this without any further damage to reputation and I honestly have good intentions.

I have my work van packed up and I'm getting ready to head to Deering Oaks to put my banner up but I will hold off if you can meet me today.

Sincerely,
Anthony Rinaldi

Sent from my iPhone

On Dec 6, 2023, at 9:49 AM, Paul McDonald <pmcdonald@bernsteinshur.com> wrote:

[Quoted text hidden]

Paul McDonald <pmcdonald@bernsteinshur.com>
To: Southern Maine Construction <southernmaineconstruction@gmail.com>

Wed, Dec 6, 2023 at 2:04 PM

Mr. Rinaldi,

Respectfully, we decline your invitation to meet.

We know full well your positions and, frankly, given your past actions and threat of further harassment and disparagement, I doubt that your offer will be a serious one. Nevertheless, if you make an offer in writing, we will respond to it. If it is indeed a serious offer, a subsequent meeting may be appropriate.

Paul

Paul McDonald
BERNSTEINSHUR - Shareholder
Litigation Practice Group Leader & General Counsel
207 228-7260 direct
207 807-8682 mobile
My Bio | Portland, ME

Confidentiality notice: Confidentiality notice: If you are not the person intended to receive this email, please notify us and please do not make use of this email for any purpose. Thank you.

From: Southern Maine Construction <southernmaineconstruction@gmail.com>
Sent: Wednesday, December 6, 2023 12:30 PM

To: Paul McDonald <pmcdonald@bernsteinshur.com>

Subject: Re: Offer

EXTERNAL EMAIL

[Quoted text hidden]

Southern Maine Construction <southernmaineconstruction@gmail.com>

Wed, Dec 6, 2023 at 3:04 PM

To: Paul McDonald <pmcdonald@bernsteinshur.com>

Let me know if you change your mind.

Sent from my iPhone

[Quoted text hidden]



Southern Maine Construction <southernmaineconstruction@gmail.com>

PLEASE READ Important Text from Feb 25th and March 3rd

1 message

Southern Maine Construction <southernmaineconstruction@gmail.com>

Wed, Jan 3, 2024 at 8:52 PM

To: James Monteleone <jmonteleone@bernsteinshur.com>, Paul McDonald <pmcdonald@bernsteinshur.com>, Joan Fortin <jfortin@bernsteinshur.com>, David Farmer <dfarmer@bernsteinshur.com>

Dear James and Paul,

We've never discussed this but I wanted to point out an extremely important fact. Prior to the paving and painting being discussed on March 4th Andy, Matt and Drew were all trying to get me additional funds. If those funds weren't for paving and painting then what were they for?

Look at these text from February 25th and March 3rd, (both of which were prior to the painting and paving)

Feb 25, 2021*"We're trying to figure out your payouts"**"Closing is getting pushed till**Tuesday lenders decision, so you can work over the weekend and make back the escrows that would need to be held back"***March 3rd, 2021***"I'm trying to get that number back up for you"**"Andy is calling the bank and I just spoke with Ryan"**"We are gonna crunch numbers first thing tomorrow morning with rms and Lincoln and figure how to get you more money"**"It's fine I understand let's close this tomorrow make you some money"**"We can talk tomorow and see how we can try to get some money"*

On March 4th Matt told me that the Buyers were reducing their rate lock, he was giving me \$2,500 of his commission and he was going to pay the plumbing bill which totaled \$8,200. I then demanded the painting and paving being removed from escrow which the buyers refused and then I terminated the contract because of their anticipatory repudiation.

Anyways, the reason I point this out is because those funds which were part of the March 5th Hud CLEARLY WEREN'T being offered to compensate for the paving or painting like you've been arguing for 3 years.

Also, why is my own Realtor paying a \$3k bill out of pocket and the Plaintiffs reducing their rate lock? Clearly they were attempting to compensate me for all the missing money and for the unpaid upgrades.

It's clear from the text that I was owed something from them. Why else would they say, "Andy is calling the bank and I just spoke with Ryan" (Lincoln Capital) and "Figure how to get you more money" and "See how we can try to get some money" and "We are gonna crunch numbers first thing tomorrow morning with rms and Lincoln"

The only logical conclusion is that they are compensating me for the unpaid upgrades and embezzled money. Clearly, the \$8,200 wasn't adequate enough because it was clearly still very upset with them. \$5,500 was from Matt and \$2,767 was from Drew but the following Day Lincoln increased my loan payout as an illegal escrow for the Plaintiffs of \$3,400. (See March 5th Transcript) So on March 3rd the buyers were contacting RMS to compensate me for something (upgrades) but ended up increasing the escrow funds to them by roughly \$650.

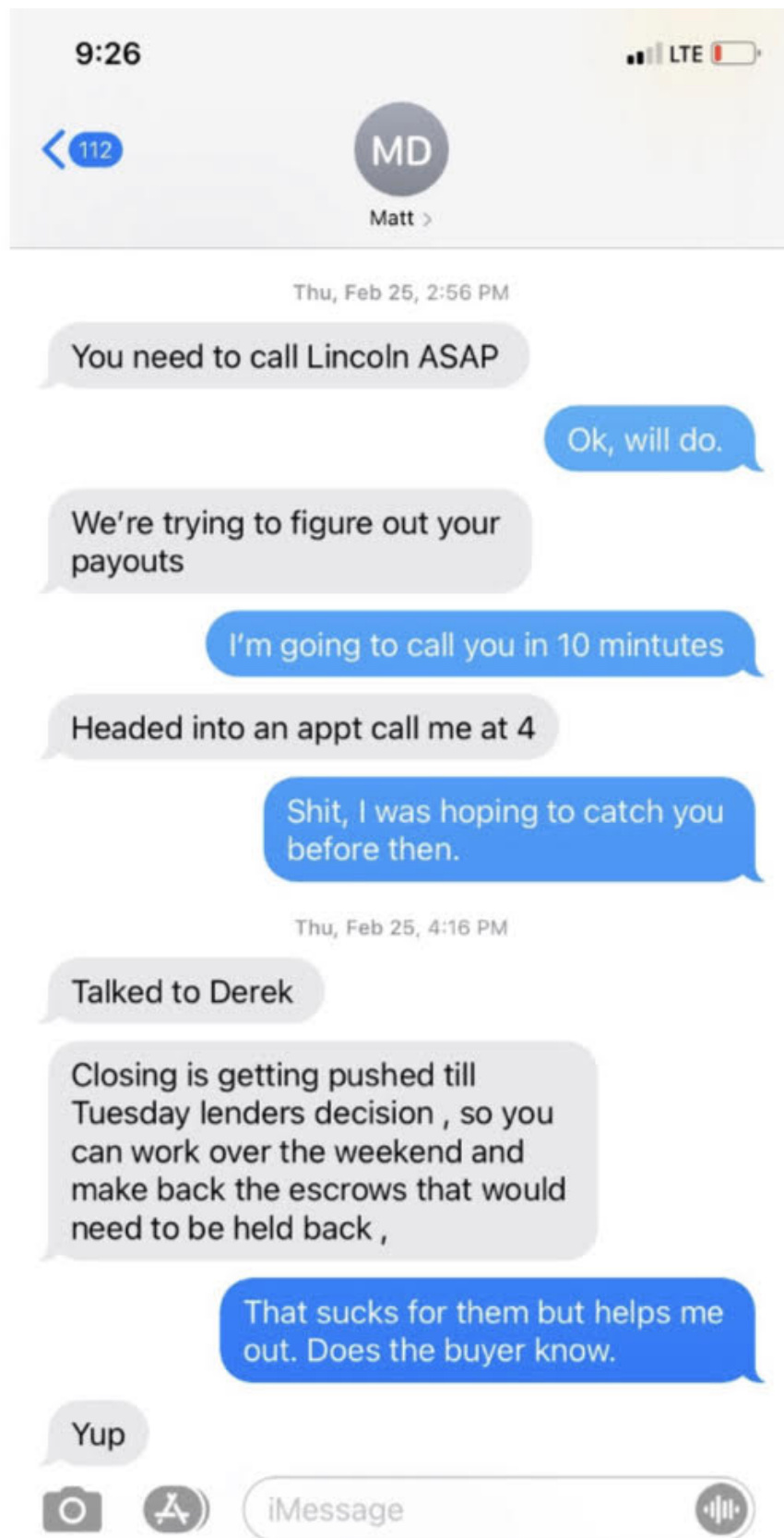
Furthermore, why was my Realtor discussing my payouts with my bank and meeting them with the buyers Realtor Andy Lord without my consent or knowledge.

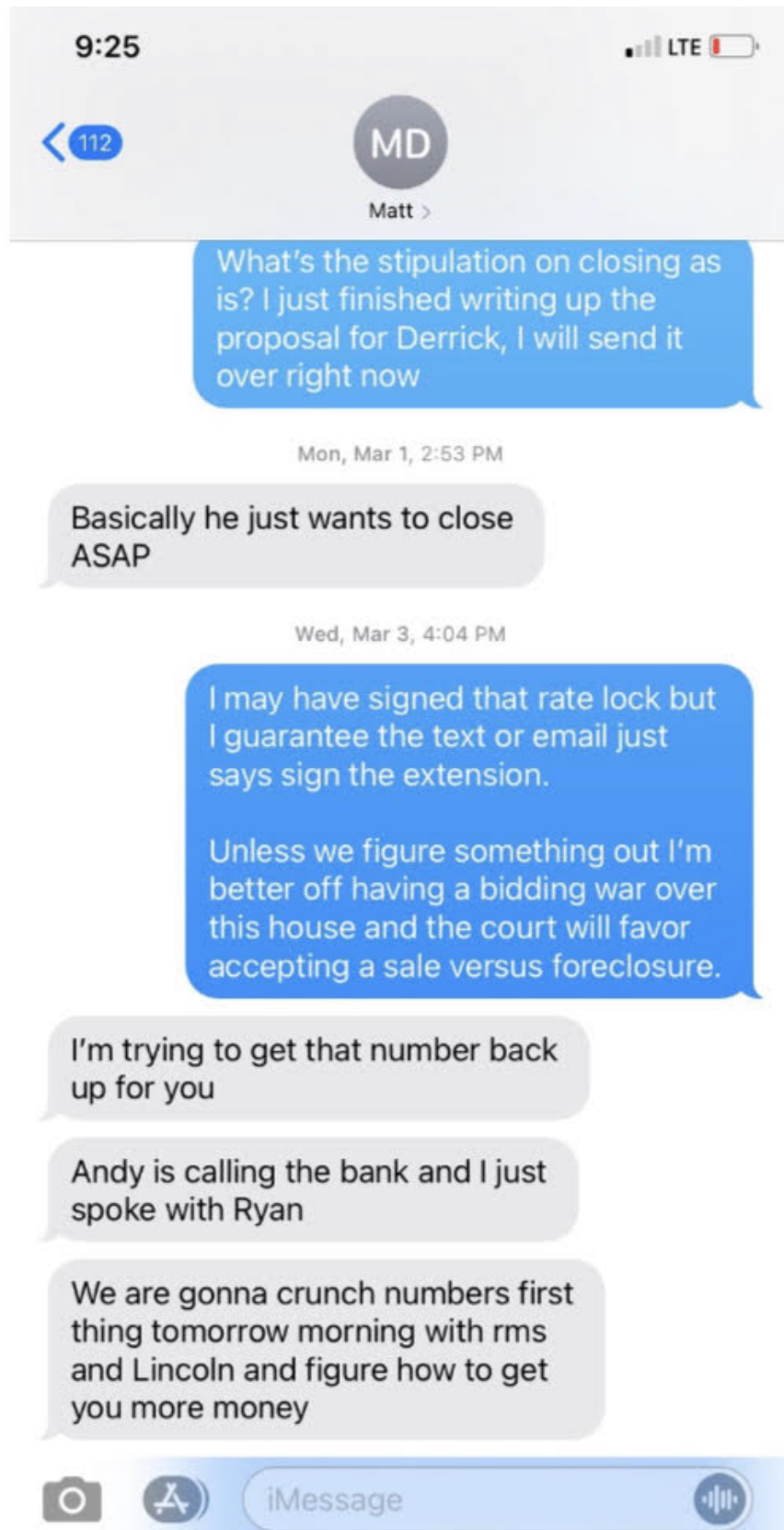
In the March 5th Meeting Transcript, I discuss Andy directing me to finish the garage when I wasn't required too and there are text from Plaintiff Drew Pierce requesting changes to the basement.

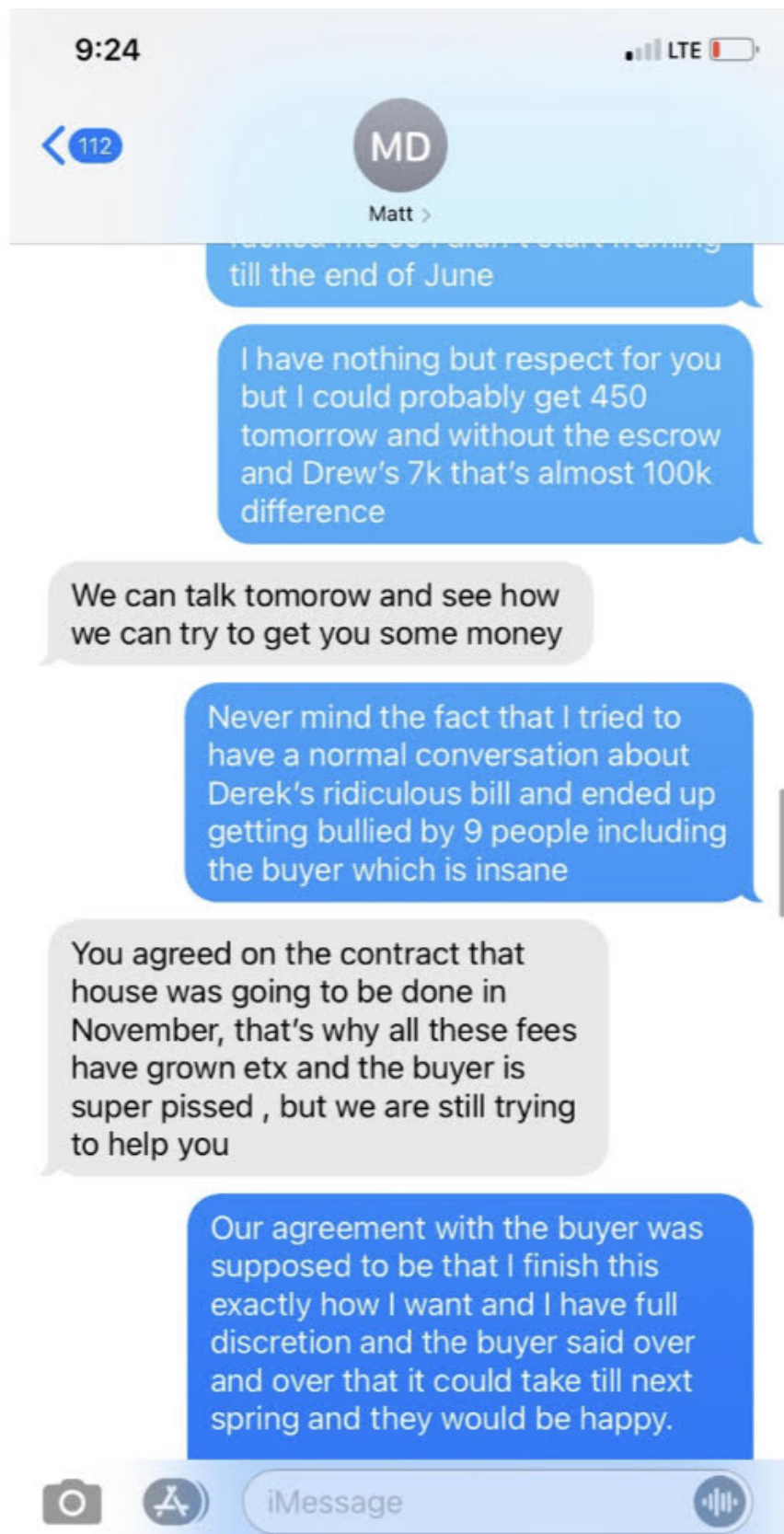
So the house I was contracted to build is much smaller and not nearly as nice, I have proof of some upgrades like Andy directing me to finish the garage and Drew requesting upgrades to the basement via text. Couple all that with the fact that they were attempting to free up money for me makes it's clear as day that they agreed to pay for the upgrades and never did so to act like the the additional funds on March 5th was all for the Paving is insane. Plus on March 5th Matt increased my payout \$11,550 (14,550 - 3,000) and Drew reduced my payout by approximately \$650 (\$2,767 - \$3,400)

So these text prove that on March 3rd the Plaintiffs were attempting to free up funds for a reason that's unclear through text *Andy is calling the bank* " *We are gonna crunch numbers first thing tomorrow morning with rms and Lincoln*" (unpaid upgrades and embezzled money) and then on March 4th it became clear that they also were responsible for the Painting and paving but on March 5th an additional \$3,400 was escrowed for the Plaintiffs so the amount due to me decrease roughly \$650 dollars even though they clearly owed me for (3) separate things (Painting, Paving and Upgrades)

Anthony Rinaldi
Southern Maine Construction
207-347-1692











Southern Maine Construction <southernmaineconstruction@gmail.com>

Pierce et al v. Rinaldi et al. CV-21-138

4 messages

Robin Learned <rlearned@bernsteinshur.com>

Thu, Feb 1, 2024 at 3:52 PM

To: Southern Maine Construction <southernmaineconstruction@gmail.com>

Cc: James Monteleone <jmonteleone@bernsteinshur.com>

Good afternoon –

On behalf of Attorney Monteleone, attached please find a letter that has been mailed to the Court today.

Robin Learned
she/her/hers pronouns
Legal Assistant

207 228-7164 direct

207 774-1200 main

207 774-1127 fax

[Online Payment](#)[My Bio](#) | [LinkedIn](#) | [Twitter](#)

BERNSTEINSHUR

[Portland, ME](#) | [Manchester, NH](#) | [Augusta, ME](#) | [bernsteinshur.com](#)

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**2024-02-01 Ltr to Court to request status conference - Pierce v Rinaldi.pdf**

1605K

Southern Maine Construction <southernmaineconstruction@gmail.com>

Thu, Feb 1, 2024 at 5:01 PM

To: Robin Learned <rlearned@bernsteinshur.com>, Paul McDonald <pmcdonald@bernsteinshur.com>, Joan Fortin

<jfortin@bernsteinshur.com>, David Farmer <dfarmer@bernsteinshur.com>

Cc: James Monteleone <jmonteleone@bernsteinshur.com>

Calling the kettle black.. lol. You filed a frivolous lawsuit and you actually think this Justice will aid and abet you when all your allegations are baseless. How are my motions frivolous? You can't name one Motion that was frivolous or cite anything I did wrong. I'd love to hear specifics but obviously you won't be able to. The funny thing is I've named countless specifics showing how fraudulent your case is and **weren't you the one that ignored me for 8 months and then lied to the court and said I couldn't be reached??** Also, did you see the article in the Press Herald about Justice Connors?

I look forward to seeing you in court and further exposing this corruption. Also, I filed a Request for OPEGA Audit and will be responding to this frivolous letter so feel free to add that to the list. Your letter proves nothing and now you want to deny me my 1st Amendment rights. When I saw this letter I assumed you were dropping this fraudulent lawsuit but instead you slandered my name once again.

Anthony Rinaldi
Southern Maine Construction
207-347-1692

On Feb 1, 2024, at 3:52 PM, Robin Learned <rlearned@bernsteinshur.com> wrote:

Good afternoon –

On behalf of Attorney Monteleone, attached please find a letter that has been mailed to the Court today.

Robin Learned
she/her/hers pronouns
Legal Assistant

207 228-7164 direct

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[Online Payment](#)

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3 attachments



image0.jpeg
4590K



image1.jpeg
5738K



2024-02-01 Ltr to Court to request status conference - Pierce v Rinaldi.pdf
1605K

Southern Maine Construction <southernmaineconstruction@gmail.com>

Thu, Feb 1, 2024 at 5:23 PM

To: Robin Learned <rlearned@bernsteinshur.com>, Paul McDonald <pmcdonald@bernsteinshur.com>, Joan Fortin <jfortin@bernsteinshur.com>, David Farmer <dfarmer@bernsteinshur.com>
Cc: James Monteleone <jmonteleone@bernsteinshur.com>

I forgot to mention that you delayed for 8 months and then you delayed Summary Judgement multiple times so the only party that has delayed is you. Furthermore, Justice Billings isn't allowed to rule on your baseless letter because Jurisdiction has been questioned therefore it must be addressed first. Clearly, you are aware how bad you look and understand that this letter is unlikely to change the severity of your punishment and unlikely to further hurt you so basically a Hail Mary. The sad thing is that you have forever tarnished BernsteinShur name and instead of gracefully dropping this case you chose to further slander my name.

Lastly, can you please give me specifics of my misconduct so that I can rectify the situation if valid. I know that I've done nothing wrong but an honest attorney would never attack someone without specific examples of misconduct.

Anthony Rinaldi
Southern Maine Construction
207-347-1692

On Feb 1, 2024, at 5:01 PM, Southern Maine Construction <southernmaineconstruction@gmail.com> wrote:

Calling the kettle black.. lol. You filed a frivolous lawsuit and you actually think this Justice will aid and abet you when all your allegations are baseless. How are my motions frivolous? You can't name one Motion that was frivolous or cite anything I did wrong. I'd love to hear specifics but obviously you won't be able to. The funny thing is I've named countless specifics showing how fraudulent your case is and **weren't you the one that ignored me for 8 months and then lied to the court and said I couldn't be reached??** Also, did you see the article in the Press Herald about Justice Connors?

I look forward to seeing you in court and further exposing this corruption. Also, I filed a Request for OPEGA Audit and will be responding to this frivolous letter so feel free to add that to the list. Your letter proves nothing and now you want to deny me my 1st Amendment rights. When I saw this letter I assumed you were dropping this fraudulent lawsuit but instead you slandered my name once again.

<image0.jpeg>
<image1.jpeg>

Anthony Rinaldi
Southern Maine Construction
207-347-1692

On Feb 1, 2024, at 3:52 PM, Robin Learned <rlearned@bernsteinshur.com> wrote:

[Quoted text hidden]
<2024-02-01 Ltr to Court to request status conference - Pierce v Rinaldi.pdf>

James Monteleone <jmonteleone@bernsteinshur.com>
To: Southern Maine Construction <southernmaineconstruction@gmail.com>
Cc: Paul McDonald <pmcdonald@bernsteinshur.com>

Fri, Feb 2, 2024 at 11:54 AM

Mr. Rinaldi,

I disagree with your characterizations of my conduct, just as I have rejected your prior mischaracterizations of me.

The denied motions and appeals you've filed over the past year speak for themselves on their merits. As to the specifics you requested, I refer you back to the contents of my letter for a summary.

Regards,

James Monteleone
BERNSTEINSHUR - Attorney
207 228-7198 direct

Confidentiality notice: Confidentiality notice: If you are not the person intended to receive this email, please notify us and please do not make use of this email for any purpose. Thank you.

From: Southern Maine Construction <southernmaineconstruction@gmail.com>
Sent: Thursday, February 1, 2024 5:24 PM
To: Robin Learned <rlearned@bernsteinshur.com>; Paul McDonald <pmcdonald@bernsteinshur.com>; Joan Fortin <jfortin@bernsteinshur.com>; David Farmer <dfarmer@bernsteinshur.com>
Cc: James Monteleone <jmonteleone@bernsteinshur.com>
Subject: Re: Pierce et al v. Rinaldi et al. CV-21-138

EXTERNAL EMAIL

[Quoted text hidden]



Southern Maine Construction <southernmaineconstruction@gmail.com>

Additional Evidence WOW

1 message

Southern Maine Construction <southernmaineconstruction@gmail.com>

Sun, Feb 4, 2024 at 9:50 AM

To: James Monteleone <jmonteleone@bernsteinshur.com>, Paul McDonald <pmcdonald@bernsteinshur.com>, Joan Fortin <jfortin@bernsteinshur.com>, David Farmer <dfarmer@bernsteinshur.com>, cshankman@bernsteinshur.com, governor@maine.gov, Craig.Hickman@legislature.maine.gov, Peter.schleck@legislature.maine.gov, Sabrina.Carey@legislature.maine.gov, Robin Learned <rlearned@bernsteinshur.com>

Hey James and Paul,

I'm not sure how I didn't noticed this email till now but Ryan Cyr from Lincoln Capital wrote me on 3/8/22 and said the following,

*"You see me calling, we can't just bury our heads in the sand here. Let's get this resolved.****Todd is working on getting the escrow part fixed so you can get more money at closing but you need to get in contact with us."*******See Below**

This email implies that Todd is talking to Landing and the Plaintiffs and getting the paving removed so the Defendant could get more money at closing. This was sent 3 days after the closing fell through. **So obviously the Plaintiffs breached the contract.**

Another thing I noticed was the Plaintiff admitted that Derek Ray Referred the Plaintiffs to BernsteinShur (See Below) and then Derek's Bernstein Attorney Conor Shankman filed a Fraudulent Mechanics Lien and the Plaintiffs filed their fraudulent Ex Parte at essentially the same time. Derek Ray agreed to accept payment at closing so he had no justification for filing a lien because the closing hadn't happened. It's clear that his lien was part of BernsteinShur's strategy to put pressure on me. Also, Derek and I didn't have a contract and as you can see in the text Lincoln Capital Hired him so why was a lien placed against me if I didn't refuse to pay, had no contract and he was hired by Lincoln Capital? Also, Maine Law doesn't allow Attorney fees to be added to the lien and his lien clearly states that his lien includes Attorney fees. Also, Derek was only owed \$14,000 (per his calculations not mine) so why was his lien for \$19,660? Based on my calculations Derek hours far exceeded what he charged me for and a large portion of the work had to be redone so Derek should have been compensating me not charging me. Anyways, as you can see the Mechanic Lien was fraudulent just like the Ex Parte Verified Complaint.

I also noticed that the perjurious 1/28/22 filing submitted the day Discovery ended was actually signed by Derek's lawyer Conor Shankman not James. So obviously Landing Real Estate, BernsteinShur and

the Plaintiffs all manipulated and lied in an attempt to defraud the me.

12:59



< All Inboxes



Found in Important Mailbox

**Siri Found a Phone Number**Ryan Cyr
(207) 772-7500

Update

**Ryan Cyr**

3/8/21

To: Anthony Rinaldi >

Cape Rd

You see me calling, we can't just bury our heads in the sand here. Let's get this resolved.

Todd is working on getting the escrow part fixed so you can get more money at closing but you need to get in contact with us.

--

Ryan M. Cyr
Lincoln Capital LLC
796 Forest Ave

Portland, Maine 04103
207-772-7500 (Phone)

ryan@lincolncapital.me
www.lincolncapital.me




New Message

***James Lariviere v. Anthony Michael Rinaldi and Southern
LLC; Docket No. CV-2021-138***

the above-captioned action, please find Plaintiffs' Motion
r.

Very truly yours,


for James G. Monteleone

Conor Shankman

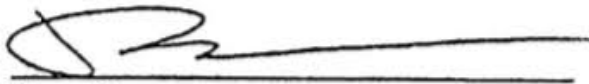
ncl.; via electronic and first-class mail)

occasion, sometime after the scheduled closing, Mr. Pierce and Mr. Ray discussed referrals for legal representation.

Plaintiffs occasionally communicated with representatives of Residential Mortgage Services, Inc. ("RMS"), including Craig Mathieson and Sarah MacDonald, regarding the property between August 2020 and March 2021. Communications were by email and telephone. Plaintiffs do not recall the specific date, time or details of any particular communication other than those set forth in email communications previously produced. Plaintiffs' communications with RMS representatives regarding the property entailed discussions about the appraisal, discussions about the property's construction progress, and discussions about closing schedule.

Plaintiffs routinely communicated with their real estate agent Andy Lord regarding the property between August 2020 and May 2021. Communications were frequent and included telephone calls, text messages, and in-person meetings. Plaintiffs do not recall the specific date, time or details of any particular communication. Communications with Mr. Lord generally included discussions about Property's construction options, progress and completion status, and discussions about closing schedules, deadlines and obligations. Plaintiffs do not possess any records detailing their phone or text communications with Mr. Lord.

Plaintiffs have communicated with Mr. Pierce's fiancée, Susanna Joly, regarding the property hundreds of times since August 2020. Communications with Ms. Joly were in-person, via telephone, text and email. Communications with Ms. Joly were too innumerable to recall any particular date, time or details of any particular communications, and generally involved all matters known to Mr. Pierce regarding the property.

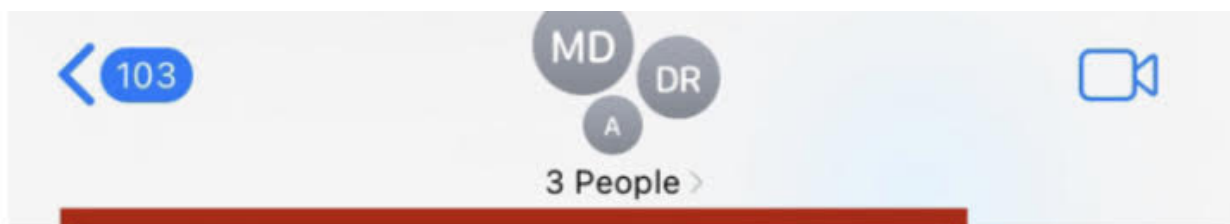

Drew Pierce

State of Massachusetts

County of Barnstable

November 14, 2022

Now appeared before me the above-named Drew Pierce, who was placed under oath and affirmed the truth of the foregoing statements to the best of his knowledge, information, and belief.



Derek Ray

Mikey we all liked you and are trying to help you so you don't lose this place and the buyers. I don't know if you know how being a GC works (clearly not) but normally I would bid a job up charge my materials, my subs and then I would get paid for my time for organizing all parties and doing all that IN THE RIGHT ORDER, to maximize time and money. I did time in materials on your job for a couple different reasons. One your job site was a mess and done in the complete wrong order to maximize effectiveness and two because we were having to work backwards and fix and finish things that were not

done or done incorrectly. As far as defrauding you, I was asked by the bank to step in and bring guy in to help and speed up the processes they knew exactly what I charged per man and ok'd it, so if you have an issue with the billing you need to talk to them not me. Furthermore, I didn't charge you yet for my time of getting materials. I haven't up

11:57 AM

charged materials that I put on my account YET, I've paid your guys who have been hired by you and saved you by pulling in favors from the town and excavators so you



(Text Message



Anthony Rinaldi
Southern Maine Construction
207-347-1692



Southern Maine Construction <southernmaineconstruction@gmail.com>

PLEASE RESPOND?????

6 messages

Southern Maine Construction <southernmaineconstruction@gmail.com>

Mon, Feb 19, 2024 at 1:24 PM

To: Paul McDonald <pmcdonald@bernsteinshur.com>, Joan Fortin <jfortin@bernsteinshur.com>, David Farmer <dfarmer@bernsteinshur.com>, Robin Learned <rlearned@bernsteinshur.com>

Dear Joan and Paul,

I've written multiple times and your firm continues to ignore me. Your 2/1/24 letter to the court claimed that I continue to file frivolous motions so why in the world wouldn't you respond to one of my alleged frivolous motions.

If my Motion to Dismiss 12(b)1 is frivolous like you say then wouldn't you want to respond to it and wouldn't it support your request for a Spickler Order??

The burden is on you to prove Jurisdiction not me so the court doesn't have the authority to rule on your Motions if you're unable to prove jurisdiction. Your firm clearly knows this and knows that your claims are frivolous so can someone please tell me if you're filing a 7th Motion to Enlarge so I have time to file an Emergency Request today.

I've been professional and patient and have stopped protesting and everything but if you file a 7th Motion to Enlarge when you know how many legislators and the like are watching then it's sending a clear message that BernsteinShur management is Corrupt. As CEO and General Counsel you should be appalled at James behavior and should be righting this wrong not aiding James. The record is clear and the evidence is overwhelming so can someone please explain themselves????

Anthony Rinaldi
Southern Maine Construction
207-347-1692

Paul McDonald <pmcdonald@bernsteinshur.com>

Tue, Feb 20, 2024 at 9:18 AM

To: Southern Maine Construction <southernmaineconstruction@gmail.com>

Cc: Joan Fortin <jfortin@bernsteinshur.com>, David Farmer <dfarmer@bernsteinshur.com>, Robin Learned <rlearned@bernsteinshur.com>, James Monteleone <jmonteleone@bernsteinshur.com>

Mr. Rinaldi,

These issues relate to the pending litigation and will be properly resolved by the Court. Our clients' positions have been and will continue to be stated in our written filings in and proceedings before the Court. Accordingly, we will not engage in extra-judicial debate with you about the relative merits of the parties' positions. As I have stated to you on multiple occasions, we fully support Mr. Monteleone's conduct in the litigation and reject your unending (and false) claims that he has acted unprofessionally or unethically. Once again, I request that you cease your continuing barrage of threatening and harassing emails to my colleagues and me.

Paul McDonald

Paul McDonald
Shareholder
Litigation Practice Group Leader & General Counsel

207 228-7260 direct

207 774-1200 main

207 807-8682 mobile

207 774-1127 fax

[My Bio](#) | [LinkedIn](#) | [Twitter](#)

BERNSTEINSHUR

100 Middle Street PO Box 9729 [Portland, ME](#) 04104-5029 | [Manchester, NH](#) | [Augusta, ME](#) | [bernsteinshur.com](#)

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-----Original Message-----

From: Southern Maine Construction <southernmaineconstruction@gmail.com>

Sent: Monday, February 19, 2024 1:24 PM

To: Paul McDonald <pmcdonald@bernsteinshur.com>; Joan Fortin <jfortin@bernsteinshur.com>; David Farmer <dfarmer@bernsteinshur.com>; Robin Learned <rlearned@bernsteinshur.com>

Subject: PLEASE RESPOND?????

--External Email--

[Quoted text hidden]

Southern Maine Construction <southernmaineconstruction@gmail.com>
To: mainelyboudoir@gmail.com

Tue, Feb 20, 2024 at 2:37 PM

Anthony Rinaldi
Southern Maine Construction
207-347-1692

Begin forwarded message:

From: Paul McDonald <pmcdonald@bernsteinshur.com>

Date: February 20, 2024 at 9:19:02 AM EST

To: Southern Maine Construction <southernmaineconstruction@gmail.com>

Cc: Joan Fortin <jfortin@bernsteinshur.com>, David Farmer <dfarmer@bernsteinshur.com>, Robin Learned <rlearned@bernsteinshur.com>, James Monteleone <jmonteleone@bernsteinshur.com>

Subject: RE: PLEASE RESPOND?????

[Quoted text hidden]

Southern Maine Construction <southernmaineconstruction@gmail.com>

Wed, Feb 21, 2024 at 2:58 PM

To: Paul McDonald <pmcdonald@bernsteinshur.com>

Cc: Joan Fortin <jfortin@bernsteinshur.com>, David Farmer <dfarmer@bernsteinshur.com>, Robin Learned <rlearned@bernsteinshur.com>, James Monteleone <jmonteleone@bernsteinshur.com>

I've reviewed your record and you represent the biggest law firm in the state so acting like you don't have a duty of candor is unacceptable considering you are well aware that your violating the Maine Rules of Professional Conduct. I've attached a pdf below explaining your duty to an opposing counsel.

Nonetheless, James admitted that he didn't do any research prior to filing the original complaint and only reviewed an incomplete series of text messages (See Opposition to Vacate) The text that were missing from the only messages he reviewed are,

"Out of respect for you I will talk on Monday **but you guys treated me like I was stupid and tried to squeeze me for every penny. Unless that HUD has the escrow adjusted I'm not closing today.** I'm taking back the power and then will decide what I want to do."

"I can legally walk and that's what I'm doing" "I promise I will call you Monday so we can try and figure this out" (Exhibit A at 23)

So to recap, James only reviewed a serious of text that don't help his argument and then after filing he is made aware that several texts were missing and those texts imply the Plaintiffs breached so why wouldn't he immediately drop this lawsuit?

Since that time he has received a mountain of evidence proving his clients breached not the Defendant and he hasn't received any evidence to support his original theory **so what am I missing here.**