

Tab A

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DEFENDANT PETER C. S. ADAMS

Each of the Defendants named as co-conspirators in the Complaint is responsible for all of the defamatory statements made of and concerning SMOC and/or SMNPHC as part of the overall conspiracy. The following, however, is a list of the defamatory statements published by Defendant Adams, either on his own behalf or on behalf of the unincorporated association, STEPPS. Although specific quotes or statements are listed, the quotes or statements must be understood in the context of the entire publication and all of the publications at issue.

1. In a June 3, 2005 Frambors post, Adams stated, "If it hadn't been for the 'rumor mill' and some sharp neighbors on Ardmore, we would have learned about this [517 Winter development plans] when the buses arrived to drop off homeless drug addicts."

2. In a June 25, 2005 Frambors post, Adams stated that "SMOC . . . asked the seller of 517 Winter Street to keep their arrangement *secret*!"

3. In a July 24, 2005 Frambors post, Adams stated that "while such facilities [like Sage House] are normally deemed to be more effective than [sic] prison, they suffer from the same problem as methadone clinics: they increase crime in the host community whenever someone is imported from one community to another."

4. In an August 8, 2005 Frambors post, Adams stated that the "abundance of shelters in Framingham" caused "increase[s in] crime and school expenditures" and "weakens the town's ability to deal with those problems"

5. In a September 19, 2005 Frambors post, Adams expressed his "concern[]" that this lovely building [referring to 517 Winter Street] is in danger, as SMOC is not known for keeping their properties in good condition. If their plans go ahead, there will be 24-45 children of unknown age housed there, supervised by single parents who are addicts or recovering addicts."

6. In a September 26, 2005 Frambors post, Adams stated, "It is unlikely that SMOC would sell their property at 61 Clinton St. It's far more likely that they would just use it for something else, like another wet shelter."

7. In a January 2, 2006 Frambors post and on the STEPPS website, Adams, referring to SMOC's contract with the Department of Correction, stated, "Now we have evidence of SMOC actively pursuing criminals as clients." In the Frambors post, Adams further stated, "I am just done with helping criminals and drug addicts find loopholes in the ADA and other such laws meant to help people with real disabilities."

8. In another Frambors post on January 2, 2006, Adams claimed SMOC was going to bring "sex offenders and arsonists" into Framingham "for one of [SMOC's] world-famous drug programs."

9. In a January 23, 2006 Frambors post, Adams stated, "SMOC has drawn up plans to subdivide the lot [at 517 Winter Street] into five lots, perhaps turning it into a social service 'campus' protected by the overly broad protection of the Dover Amendment."

10. In a May 4, 2006 Frambors post, Adams, referring to Sage House, stated, "I say it is not *technically* a wet shelter since the Sage House has a success rate well under 50%, meaning 25-30 residents could relapse there EACH YEAR." (emphasis in original).

11. In a February 16, 2007 Frambors post, Adams, referring to Framingham social service agencies, stated that SMOC was "[c]learly the worst of the bunch" and that it was "bringing prostitutes, drug addicts, and other criminals from across the state to live in Framingham."

12. In a April 15, 2007 Frambors post, Adams called SMOC a "good ol' boy network with virtually no oversight" and claimed SMOC's "financial mismanagement is also under investigation by the State Auditor." Adams further stated, "Many, if not most, of their 'recovery specialists' are former drug users themselves [T]here could be more people inside SMOC actively using drugs, and SMOC doesn't appear to pay much attention."

13. In a June 15, 2007 Frambors post, Adams stated that SMOC "lied about this to the state, by the way. They said that the building was up to code and met all applicable regulations."

14. In a June 16, 2007 Frambors post, Adams discussed a recent breaking and entering incident in town and stated, "Thank you so much, SMOC, for causing this and so many other incidents in the town of Framingham. No wonder SMOC CEO Jim Cuddy won't live in Framingham. He knows what SMOC is doing here."

15. In a July 15, 2007 Frambors post, Adams stated that SMOC was not "watching over" its employees. Adams went on to state that the Sage House had had "numerous safety and health violations including spoiled food on the counters and use of prohibited heating equipment. So it's not just heroin addicts we need to worry about, but drug smugglers on staff, rats and fire danger!"

16. In a second post on July 15, 2007, Adams stated that SMOC had allowed "a drug running operation to flourish right under their noses in a supposed drug rehab shelter [Sage House]." He went on to state that SMOC had "tried to hide it [the drug running operation] from the [Department of Public Health]. . . . This drug smuggling operation inside SMOC is just as shocking, and just as dangerous, as those horrific lapses by DSS involving the death or abuse of a child in their care."

17. In an October 4, 2007 Frambors post, Adams stated that SMOC and Jim Cuddy had "succeeded brilliantly in bringing in drunks, drug addicts, panhandlers . . . at least one prostitute (HIV Positive, of course) and one murderer" to Framingham.

18. In an October 10, 2007 Frambors post, Adams stated that SMOC had "let their employees run drugs out of a drug rehab shelter" and accused SMOC leaders of lying to town officials in Framingham and other communities.

19. In an October 12, 2007 Frambors post, Adams stated, "Our town library has already become home to some of the 'fragile people' . . . like sex offenders, who were brought here to be cared for by nonprofits and then dropped on this town's doorstep."

20. In addition, Adams effected the post of the following false and defamatory statements on the STEPPS website, each of which remains available on that site to this day:

a. STEPPS "helped expose SMOC's secret contract with the Department of Corrections to house sex offenders and arsonists"

b. "SMOC has three programs with the Department of Corrections – Fresh Start, Clean Slate, and The Prisoner Rentry [sic] Program – to place people who are harder to place, like arsonists and sex offenders."

c. Title on a STEPPS webpage reads "SMOC misleads town in [permit] application."

d. The cost of educating "just 25 children SMOC will bring to Framingham to live in the Sage House if it is moved to 517 Winter Street," will be "**over \$6 million** over twenty years. How many non-Framingham school children are living in tax-exempt properties being educat[ed] at others' expense?" (emphasis in original).

e. Under a photograph of the 517 Winter Street property, website asks "Will SMOC turn this lovely historic property on a quiet residential street into a homeless drug rehab shelter?" (emphasis in original). Going on to state that SMOC plans to turn 517 Winter Street into a "homeless drug rehab shelter."

f. Under a photograph of the 517 Winter Street property, website states that SMOC "wants to turn this property into a drug rehab shelter and flood our quiet neighborhood of single family homes with transients, many addicted to heroin."

g. Stating the "proposed drug rehab shelter at 517 Winter Street is the same one that was found to be operating a drug running operation to a state prison."

21. On August 16, 2007, the STEPPS website falsely reported that Gerald Desilets had died, stating, "STEPPS joins the rest of Framingham in mourning the passing of Jerry Desilets, former Town Moderator and SMOC's director of policy and planning."

DEFENDANT STEVEN ORR

Each of the Defendants named as co-conspirators in the Complaint is responsible for all of the defamatory statements made of and concerning SMOC and/or SMNPHC as part of the overall conspiracy. The following, however, is a list of the defamatory statements published by Defendant Orr. Although specific quotes or statements are listed, the quotes or statements must be understood in the context of the entire publication and all of the publications at issue.

1. On May 21, 2005, Orr posted and, therefore, republished, the false and defamatory statements in an email sent to him by an anonymous Town employee, which included at least the following false and defamatory statements:

- The Town's education budget increases "with every student [residing at a social service agency residence] enrolled who now list [sic] their [sic] home as Framingham"
- "[W]ith the secrecy of confidentiality clauses in purchase and sale agreements, it is typically too late for homeowners to speak out and appeal to SMOC . . . SMOC has contributed to the entire downfall of Framingham by bringing other communities['] problem people to our town for the mere sake of assisting SMOC to sustain themselves . . . [T]he people that SMOC delivers to our town are not Framingham people, they are not desirable people and they are from area's [sic] well outside of here and also from out of state. . . . We now have sex offenders calling their SMOC residences home where they are unknown to most residents, convicted criminals now in town where they are also unknown."
- "We have now had our property taxes increased, our children charged money for simply riding the school bus to school, our older students paying for parking just for driving their cars to school, our school athletes paying more money for having the pride to represent Framingham and Framingham High School because of SMOC induced infiltration." She or he refers to SMOC as the "dynasty of Mr. Cuddy's group destruction"

2. In a May 15, 2006 Frambors post, Orr stated that SMOC, via its contract with the Department of Corrections ("DOC"), was "troll[ing] the prison system to look for arsonists and sex criminals to bring to Framingham"

3. In a May 23, 2006 Frambors post, Orr stated the Department of Corrections-SMOC contract targeted violent offenders and suggested town residents put up signs saying "Welcome To All Rapists And Arsonists." Orr went on to say that "Framingham is not putting our children in danger. That honorific goes to the Dept of Corrections and possibly/probably to the agencies [SMOC] that elect to engage in this type of business in our neighborhoods."

4. In a June 6, 2006 Frambors post, Orr claimed that SMOC's "attempt to take over 517 Winter . . . will place a continuing drain on property values . . . [and] would further drain the resources of our educational system."

5. In a July 3, 2006 Frambors post, Orr accused SMOC of secretive activity in making clients call from a payphone when they needed medical assistance to "cut down the already huge number of calls for assistance that were already happening" at the wet shelter. Orr further stated that the Department of Corrections-SMOC contract "basically called for SMOC to troll the prison system looking for the worst violent offenders who needed help finding housing. Of course, SMOC has an 'in' at finding housing for violent offenders [sic] since it maintains an entire department of people who specialize in maintaining a database of landlords who are known to not conduct CORI checks."

6. In a February 2, 2007 Frambors post, Orr stated, "SMOC has an entire division devoted to housing. This division maintains a database of landlords who are known to not conduct CORI checks." Orr further stated that SMOC was probably "unhappy" with negative publicity because this "caused a delay in getting the next substance abuser, sex offender [sic], arsonist, or other violent offender [sic] to enter the continuum of destruction."

7. In a February 15, 2007 Frambors post, Orr stated, "On an almost daily basis, we have crime being handled by our police force, committed by people who have been brought here by the social service agencies. . . . If we were spending less on Public Safety, we could use the difference to meet level services for things like schools, or public works, just to name a few."

8. In a February 17, 2007 Frambors post, Orr stated that residents could learn of "all the criminals being injected into our town by the [social service] agencies" by "subtract[ing] all of the dislocated elbows" from the SSAWatch report, a report of police responses to social service addresses. Later in the post, Orr stated, "SMOC (as one example) maintains a database of landlords whom are known to not conduct CORI checks." He went on to say, "The majority of our \$180+M annual budget goes to school, police, fire and public works. If we spent less on police response to social service agency addresses we'd have a better shot at paying our bills and being able to afford the things our neighboring towns routinely enjoy."

9. In a March 22, 2007 Frambors post, Orr said SMOC "troll[s] the cities, the prisons, everywhere they can to find substance abusers and violent criminal offenders to place them here in Framingham. Once they're here, they get some of the help they need in a 'program' which lasts for some period (maybe 6 weeks, 6 months, whatever) and then they graduate to the next program in their COC. That opens a spot in the previous program which is then occupied by the next wino^H^H^H^H^Hcrim^H^H^H^H^Hclient." He also stated, "Before the [wet] shelter was closed, SMOC was caught multiple times with their pants down (so to speak), secretly importing winos from Waltham and using the Store 24 as their drop-off point so that people wouldn't see them getting door-to-door service directly to the shelter."

10. In an April 14, 2007 Frambors post, with the subject line, "SMOC employees dealing drugs into Massachusetts prisons," Orr described the Sage House as a "program for drug addicts from out of town . . . with their children being placed into our . . . school system at \$13K per, with a substantial percentage of the employees who are 'former' substance abusers being run by a company that is not willing to do an excellent job of running the operation, in a neighborhood that is terrified of loss of property value, on a lot that could allow more programs

to be built, being run partly by former drug addicts who went so far and [sic] to actually deal drugs."

11. On June 17, 2007, Adams posted on Frambors: "What SMOC is trying to do to the Winter St neighborhood is to make money off of substance abusers, which is a polite word for heroin, crack, methamphetamines, crank, etc. . . . Things like some of the aforementioned drugs will make you a hopeless addict after at most just a few experiences. . . . What SMOC is looking at acquiring as clientele are the so-called 'recovering substance abusers' who are running at a whopping 66% recidivism rate. These people have histories of violent crime, prostitution, burglary, but no matter how you look at it, unless they have a nice trust fund, the drugs cost money and whatever it takes to get that money is how the drugs get paid for (Hopefully, the staff people of Sage House at 517 Winter won't be involved in actually supplying drugs like the staff at Sage House on Clinton St did to the Shirley Prison.)"

12. In a June 26, 2007 Frambors post, Orr referred to a "long list of violent offenders that SMOC either has as clientele or wishes they had."

13. In a June 27, 2007 Frambors post, Orr, commenting on the recent breaking and entering on Winter Street, tied the suspect to SMOC's "Ready Able Willing" or other day labor program and accused SMOC of allowing the program to "run with no discrimination as to who is viable for candidacy in this program" Orr went on to state that SMOC runs "multiple programs that bring violent offenders into Framingham as they get released from prisons all over the state."

14. In a July 11, 2007 Frambors post, Orr stated, "SMOCs CORI responsibilities, as outlined by DPH General Counsel to all vendors, were ignored and 25% of all Sage House employees were in violation of state regulations. SMOC chose not to inform DPH of these violations. SMOC safety violations at the Sage House were strictly against DPH safety rules and regulations. Some Sage House employees were working 15-17 hour shifts that are against recommendations of DPH. According to the DPH investigation, SMOCs own internal investigation prior to DPH being made aware of the matter was insufficient and made NO attempt to determine whether drugs had been introduced into the Sage House as outlined in the DOC report (that SMOC employees had drugs delivered to the Sage House . . .)." Regarding the DPH report, Orr stated that "the Sage House and SMOC are deficient in policies that clearly define protocol and regulations for their employees. SMOC maintains an 'I didn't know' attitude when it comes to well defined criteria from DPH General Counsel to them and a general disregard to DPH contractor policy and procedures. SMOC turned a blind eye to their funding source and even lied to them in their attempts to keep DPH out of the loop on the Sage House drug smuggling."

DEFENDANT ANTHONY SICILIANO

Each of the Defendants named as co-conspirators in the Complaint is responsible for all of the defamatory statements made of and concerning SMOC and/or SMNPHC as part of the overall conspiracy. The following, however, is a list of the defamatory statements published by Defendant Siciliano. Although specific quotes or statements are listed, the quotes or statements must be understood in the context of the entire publication and all of the publications at issue.

1. In a November 14, 2005 Frambors post, Siciliano stated, "These dregs are all clients of SMOC . . . The property at 517 Winter Street will also be populated with criminals."
2. In a January 1, 2006 Frambors post, Siciliano stated that "Many of the clients have, as stated in the [news] story, 'extensive criminal records'. I doubt that any of us are stupid enough to think that their criminal record will come to a screeching halt once they enter SMOC's domain. SMOC, of course, does not care about that, as further criminal acts by their present day clients will insure SMOC of a future client base." Siciliano went on in his post to refer to the disabled individuals served by SMOC as "trash" and "society's losers and dregs."

DEFENDANT HAROLD WOLFE

Each of the Defendants named as co-conspirators in the Complaint is responsible for all of the defamatory statements made of and concerning SMOC and/or SMNPHC as part of the overall conspiracy. The following, however, is a list of the defamatory statements published by Defendant Wolfe.

1. Harold Wolfe caused the following to be posted on the Smocingham website (<http://smocingham.org>): "In May, 2005 SMOC chose to buy a nursing home and open a wet shelter for drug addicts right smack dab in the middle of a residential neighborhood at 517 Winter Street, Framingham, MA 01702 effectively devaluing the entire neighborhood. The drug addicts will bring their children with them and these children will be placed in the Framingham Schools at taxpayers expense. We expect to have up to 25 children placed in our schools, at the average annual cost of \$10,000 each per year, or \$250,000 each and every year."

2. Wolfe also posted on www.smocingham.org and, therefore, republished, the false and defamatory statements in an email sent to him by an anonymous Town employee, which included at least the following false and defamatory statements:

- The Town's education budget increases "with every student [residing at a social service agency residence] enrolled who now list [sic] their [sic] home as Framingham"
- "[W]ith the secrecy of confidentiality clauses in purchase and sale agreements, it is typically too late for homeowners to speak out and appeal to SMOC . . . SMOC has contributed to the entire downfall of Framingham by bringing other communities['] problem people to our town for the mere sake of assisting SMOC to sustain themselves . . . [T]he people that SMOC delivers to our town are not Framingham people, they are not desirable people and they are from area's [sic] well outside of here and also from out of state. . . . We now have sex offenders calling their SMOC residences home where they are unknown to most residents, convicted criminals now in town where they are also unknown."
- "We have now had our property taxes increased, our children charged money for simply riding the school bus to school, our older students paying for parking just for driving their cars to school, our school athletes paying more money for having the pride to represent Framingham and Framingham High School because of SMOC induced infiltration." She or he refers to SMOC as the "dynasty of Mr. Cuddy's group destruction"

DEFENDANT GINGER ESTY

Each of the Defendants named as co-conspirators in the Complaint is responsible for all of the defamatory statements made of and concerning SMOC and/or SMNPHC as part of the overall conspiracy. The following, however, is a list of the defamatory statements published by Defendant Esty. Although specific quotes or statements are listed, the quotes or statements must be understood in the context of the entire publication and all of the publications at issue.

1. In a December 31, 2005 MetroWest Daily News article, Esty was quoted as saying, with respect to the SMOC-Department of Corrections ("DOC") contract, "I think this exposes the fact that there is an underlying plan . . . for designating Framingham as a place that would be suitable for centering a large population of arsonists, sex offenders and criminals."

2. On or about September 30, 2006, Esty told MetroWest Daily News that SMOC had closed the wet shelter due to "the threat of legal action." "I believe they've made the right decision for themselves," she said. "They avoided a test case that would affect siting for similar buildings across the state. They've had pressure before, which they've ignored, so there has to be another reason why they're closing that shelter at this point."

3. At a Town Meeting held on or about May 1, 2007 with respect to a proposed lodging house amendment, Esty stated, "I would like to address the question of due diligence in checking out the lodgers. That stems from the fact that it was uncovered that one of the agencies in Town [SMOC] has a contract with the Department of Corrections to house arsonists, sex offenders and criminals . . . The due diligence concerns the check with CORI, which is a criminal record check on potential lodgers. And one of the reasons why we wanted to make sure that that was mentioned was that in the narrative when this particular non-profit looks for the contract with the Department of Corrections, they spelled out how they would train people to urge landlords to NOT check CORIs . . . well, I know you'd rather we didn't speak about this but it is very real in our community . . ."

DEFENDANT CYNTHIA LAURORA

Each of the Defendants named as co-conspirators in the Complaint is responsible for all of the defamatory statements made of and concerning SMOC and/or SMNPHC as part of the overall conspiracy. The following, however, is a list of the defamatory statements published by Defendant Cynthia Laurora. Although specific quotes or statements are listed, the quotes or statements must be understood in the context of the entire publication and all of the publications at issue.

In an April 14, 2007 Frambors post, Laurora stated, falsely, "[i]t's interesting that Framingham town government at first rejected, then blessed and voted to give SMOC drug dealing employees a larger environment to ply their trade. As Jim Hanrahan, SMOC's lawyer and a SMOC Executive Board of Directors member says, 'There's no gratification other than the fact that the town is finally abiding by the law in granting this permit.' My question to Jim is, 'Are your employees at least paying taxes on drugs they're peddling?'"

DEFENDANT DENNIS GIOMBETTI

Each of the Defendants named as co-conspirators in the Complaint is responsible for all of the defamatory statements made of and concerning SMOC and/or SMNPHC as part of the overall conspiracy. The following, however, is a list of the defamatory statements published by Defendant Dennis Giombetti. Although specific quotes or statements are listed, the quotes or statements must be understood in the context of the entire publication and all of the publications at issue.

In an October 5, 2006 MetroWest Daily News article, Giombetti was cited as saying that SMOC had decided to close the wet shelter in response to threats of legal action. He further stated that SMOC had been "secretly importing winos" from neighboring towns to the wet shelter.

DEFENDANT JANE OR JOHN DOE I

Each of the Defendants named as co-conspirators in the Complaint is responsible for all of the defamatory statements made of and concerning SMOC and/or SMNPHC as part of the overall conspiracy. The following, however, is a list of the defamatory statements published by Defendant Jane or John Doe I, an "anonymous" town employee. Although specific quotes or statements are listed, the quotes or statements must be understood in the context of the entire publication and all of the publications at issue.

1. On May 21, 2005, Defendant Steven Orr, with authorization from the employee, posted an email submitted by Jane or John Doe, an anonymous town employee, on the Frambors website. In this post, the employee stated that the Town's education budget increases "with every student [residing at a social service agency residence] enrolled who now list [sic] their [sic] home as Framingham"

2. She or he goes on to state, "[W]ith the secrecy of confidentiality clauses in purchase and sale agreements, it is typically too late for homeowners to speak out and appeal to SMOC . . . SMOC has contributed to the entire downfall of Framingham by bringing other communities['] problem people to our town for the mere sake of assisting SMOC to sustain themselves . . . [T]he people that SMOC delivers to our town are not Framingham people, they are not desirable people and they are from area's [sic] well outside of here and also from out of state. . . . We now have sex offenders calling their SMOC residences home where they are unknown to most residents, convicted criminals now in town where they are also unknown."

3. She or he also stated, "We have now had our property taxes increased, our children charged money for simply riding the school bus to school, our older students paying for parking just for driving their cars to school, our school athletes paying more money for having the pride to represent Framingham and Framingham High School because of SMOC induced infiltration." She or he refers to SMOC as the "dynasty of Mr. Cuddy's group destruction"