

**NOTICE**  
FILED  
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AUG 11 2009  
SUFFOLK COUNTY  
MASSACHUSETTS

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT  
CIVIL ACTION  
NO. 08-0372F

ROBERT FLETCHER and  
THE LITERARY AGENCY GROUP,  
An individual and a corporation,

Plaintiffs

notice sent 8/5/09

J.C.N.  
W.T.B.  
P.B.K.  
T M W  
W E M E D  
K & C  
K A B  
J.M.C.

v.

ANN CRISPIN and  
VICTORIA STRAUSS, Individuals,

Defendants

(mm)

MEMORANDUM AND ORDER ON DEFENDANTS,  
ANN CRISPIN AND VICTORIA STRAUSS'S MOTION FOR  
ATTORNEYS FEES AND COSTS PURSUANT TO CH. 231, § 6F

This civil action was commenced on January 24, 2008 by the Literary Agency Group and one of its principals, Robert Fletcher against the defendants, Ann Crispin and Victoria Strauss, and alleged that they both defamed Literary Agency Group (LAG) and its principal, Robert Fletcher (Fletcher) by publishing reports in Writer Beware of the plaintiffs' alleged fraud, misrepresentations and dishonesty towards authors who are looking for a publisher of their books. LAG and Fletcher would require fee charges for literary agency services, fee based publishing and fee based critique and editing referrals. Over time,

Fletcher used over ten names for publishing operations under the umbrella of the AEG Publishing Group. Basically, Fletcher and LAG were running a fraud by charging fees for all services while falsely giving hope to the authors that Fletcher and LAG would find a publisher for their book.

This civil action claimed that the plaintiff, Ann Crispin and Victoria Strauss were defaming and libeling them by publishing warnings to potential authors of the fraudulent practices of LAG and Fletcher. The attorney for LAG and Fletcher on the date of the filing of this action sought a temporary restraining order against the defendants to remove the critical comments which were on the web site of Writer Beware, and to cease publishing any further defamatory publications about the plaintiffs. In lieu of entertaining the Motion for a Temporary Restraining Order, the Court issued an order of notice. The Motion for a Preliminary Injunction as to the co-defendant, James McDonald, came on for hearing on October 9, 2009 which was denied by the Court. To this judge's knowledge from a review of the file and docket, there was never a hearing on a preliminary injunction as to the defendants, Crispin and Strauss.

There were some discovery motions filed by the parties. The defendants, Crispin and Strauss, noticed the deposition of the plaintiff, Robert Fletcher, who failed to attend. The defendants obtained an order by the Court requiring him to attend, and he

again failed to attend. The plaintiffs' counsel indicated that neither plaintiff intended to comply with any discovery requests. The Court on March 19, 2009 ordered the Complaint dismissed as to both defendants, Crispin and Strauss. The defendant, James McDonald had already been dismissed by the Court. On April 29, 2009, the defendants, Crispin and Strauss, moved under ch. 231, § 6F for the defendants to be ordered to pay their counsel fees and costs incurred because this case was brought by the plaintiffs in bad faith, was and is frivolous and was brought only to attempt to curb the defendants, Crispin and Strauss' first amendment rights.

#### FINDING OF FACTS

This civil action was brought by the plaintiffs to intimidate the defendants from publishing articles critical to the plaintiff's business practices. The plaintiff had no intention of proceeding or winning the lawsuit. The plaintiff, Robert Fletcher, sent multiple e-mails to both defendants, Crispin and Strauss threatening them both with physical harm and threatening them with this lawsuit. In fact, in two of his e-mails, he indicated that his purpose was not to prevail in the lawsuit but just to bankrupt the defendants, Crispin and Strauss.

After the civil action was commenced, the plaintiffs refused to give any discovery at all and Fletcher himself refused to

attend his noticed deposition after being order by the Court to attend.

Eventually, the defendants, Crispin and Strauss, moved to dismiss the case for Fletcher's failure to attend his deposition, as ordered by the Court.

The plaintiffs have exhibited extreme bad faith in bringing this frivolous lawsuit for the sole purpose causing great expense and harassment to Crispin and Strauss. Fletcher expressly states that it was his purpose in his e-mails. This Court concludes and finds that this case was brought in bad faith by the plaintiffs for the mere purpose of causing great inconvenience and financial costs to Crispin and Strauss (as set out in Fletcher's pre-lawsuit e-mails to the defendants, Crispin and Strauss). This case is frivolous and this Court finds so, finds that the two plaintiffs and their lawyer, Jerrold G. Neeff, knew it to be frivolous before it was even commenced. This Court rules that the defendants, Ann Crispin and Victoria Strauss are entitled to have all their legal fees and expenses incurred paid to them by the plaintiffs, Robert Fletcher and The Literary Agency Group.

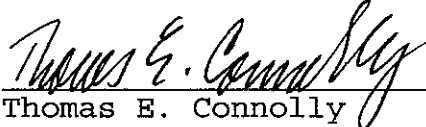
This Court finds that the claims asserted by the plaintiffs to be wholly insubstantial, frivolous and not advanced in good faith.

ORDER

The defendants, Ann Crispin and Victoria Strauss's Motion for Attorneys Fees and Costs under ch. 231, § 6F is ALLOWED.

Counsel for said defendants shall file an affidavit within twenty days of the date of this Order setting the legal work performed by each lawyer or paralegal, the amount of time involved, the hourly rates for each person involved and any expenses incurred.

By the Court,

  
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Thomas E. Connolly  
Justice of the Superior Court

Date: *July 31, 2009*