

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
CIVIL ACTION No.

03-1931D

WILLIAM H. DIADAMO )  
)  
)

Plaintiff )  
)  
)

v. )  
)  
)

THOMAS J. DUGGAN, JR. )  
)  
VALLEY PATRIOT, INC., )  
)  
MERRIMACK VALLEY RADIO, LLC, )  
)  
JOHN DOE ONE, and )  
)  
JOHN DOE TWO. )

Defendants )  
)  
)

**FILED**  
IN THE SUPERIOR COURT  
FOR THE COUNTY OF ESSEX

SEP 29 2008

*Thomas A. Russell Jr.*  
CLERK

**COMPLAINT**  
**(AND JURY DEMAND)**

**INTRODUCTION**

Defendant Thomas Duggan, Jr. in the course of his "Paying Attention" radio program. published statements about the plaintiff that are clearly defamatory. Duggan asserts that sources for his statements exist, and that he verified the statements. Since the statements are absolutely false, have caused legal harm, and indeed have not been retracted in any way, the only question is whether Duggan (and his publishers) are liable solely, liable jointly and severally with his sources, or should be a named defendant for the limited purpose of providing information by way of discovery against the liable parties.

## PARTIES

1. Plaintiff William H. DiAdamo (Plaintiff) is a private individual that resides in North Andover, Massachusetts.
2. Defendant Thomas J. Duggan, Jr. (Duggan) is an individual that resides at 47 Brightwood Avenue, North Andover, Massachusetts.
3. Defendant Valley Patriot, Inc. (Valley Patriot) is a Massachusetts Domestic Profit Corporation with a principal office located at 47 Brightwood Avenue, North Andover, Massachusetts.
4. Defendant Merrimack Valley Radio, LLC is a Massachusetts Limited Liability Corporation with a principal office at 243 Central Street, Lowell, Massachusetts.
5. Defendant John Doe One is, upon information and belief, a source of the defamatory statements.
6. Defendant John Doe Two is, upon information and belief, a source of the defamatory statements.

## JURISDICTION

7. The Plaintiff has jurisdiction pursuant to Mass. Gen .L. c. 223A, § 1. *et seq.*

## GENERAL ALLEGATIONS

8. Plaintiff is a lawyer in good standing in the Commonwealth of Massachusetts, with an office located in Lawrence, Massachusetts.
9. Plaintiff is not a "public person" as defined under defamation law.
10. Duggan broadcasts a weekly radio show called "Paying Attention" on 980 WCAP, an AM radio station owned and operated by Merrimack Valley Radio, LLC.

11. Duggan also publishes a monthly newspaper called "The Valley Patriot" which maintains a related website, [www.valleypatriot.com](http://www.valleypatriot.com), that makes available copies of the radio broadcast to listen to or download.
12. Duggan is an officer and director, and upon information and belief, an owner of Valley Patriot.
13. Paying Attention and The Valley Patriot concentrate primarily on local affairs in the Merrimack Valley, and specifically in Lawrence, Massachusetts.
14. Lawrence and the surrounding areas are located in the heart of coverage area of WCAP.
15. From approximately 2003 to approximately June 2008, Plaintiff served as counsel to the City of Lawrence defending workers' compensation cases under a contract for a fixed amount.
16. In addition, from approximately 1993 to present plaintiff's office has served as special counsel to the Greater Lawrence Sanitary District (GLSD), dealing with primarily litigation matters, with the plaintiff solely handling matters since approximately 2003.
17. Starting in 2007, Plaintiff began defending a workers' compensation case brought by Andrea Traficanti.
18. Traficanti was, upon information and belief, in a relationship with Frank McCann, the Lawrence Director of the Department of Public Works (DPW).
19. McCann was also, by statute, a member of the Board of Commissioners of the GLSD due to his status as Director of DPW.
20. Over several years, Plaintiff knew and had interaction with McCann for a variety of reasons: most of the Lawrence Worker's compensation cases were brought by DPW

workers: McCann sat on the GLSD Board, and; Plaintiff's office is located immediately adjacent to City Hall, where McCann's office was located, and the two would occasionally see each other in the courtyard connecting both buildings.

21. On August 23, 2008, Duggan broadcast a segment about the Plaintiff. The following is a transcript<sup>1</sup>:

"I've been sitting on a story now for about a week and a half, two weeks, and it involves Attorney DiAdamo and the City of Lawrence."

Oh no! He's talking about attorney DiAdamo. He's in trouble. That guy's got pull. He's got big pull. Could be in trouble here. I don't care.

I've got information now from the City of Lawrence from a number of other sources in the City of Lawrence that attorney DiAdamo who was representing the City of Lawrence during the Andea Traficanti disability case is being accused of throwing the case and has been fired by the City of Lawrence because he is being accused of throwing the case.

What we have learned is that attorney DiAdamo admitted to at least two members of the Sullivan administration that he is best friends with Ms. McCann's husband and that Ms. McCann's husband was in his office discussing the case on numerous occasions prior to him representing the City on the case. So I did a little research because I didn't really know who attorney DiAdamo is.

I know Carmine DiAdamo who has turned out to be his dad and I knew him very well from working on the School Committee and I always liked him an awful lot." "I think he did an awful lot for the school system at the time. And I started doing research to find out who his son is." "What does he do? And lo and behold, I get some information that attorney DiAdamo is making 100k a year as the special counsel of the Greater Lawrence Sanitary District. Now Jocko Ford is the counsel for the Greater Lawrence Sanitary District and I don't know what he's making but on top of that, attorney DiAdamo is making over \$100,000.

The City of Lawrence was paying him somewhere in the neighborhood of \$70 to \$75,000 dollars which means if nobody ever walks into this guy's law

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<sup>1</sup> Please note that this is transcription of oral statements, and therefore punctuation has been added to assist in readability and in no way is intended to alter meaning. Please refer to the actual recording for complete accuracy.

firm to have him represent them in any kind of trial, he's making 175,000 plus dollars a year with these two contracts alone.

And it's going to be interesting to see if there is going to be a BBO complaint. My understanding is that it's something that's being bantered about and is very possible.

Surprise, surprise!" "As I'm doing my research, I also find out you know it was the same attorney DiAdamo who was representing the City in the Lariviere case. What? In Methuen? The Lariviere case? Wow!

So now you've got he's representing the City during the Traficanti case. He's representing the City of Methuen during the Lariviere case, both of which he lost. And on top of that, he's pulling down \$100,000 a year to show up at one meeting every two months at the Greater Lawrence Sanitary District. You're going to be hearing an awful lot more about this story. Remember that you heard it here first.

Now I know that Jill Harmacinski is up at the Tribune taking notes and they are probably going to try to get it in the Tribune before we come out but they don't have the sources we have. So you pay attention to the Valley Patriot website. Pay attention to this program because as we get more information, and as we get closer to publication, I'm going to give you more of what I have on this story because there is more to this story. A lot more to this story and we're going to be breaking it for you as we can, as we can because I don't want to. I don't want to out my sources and if I gave you more stuff now, it would put people in a very compromising position. 978-454-4980.

How's that for a breaking news story guys? You like that one? They don't even care, one's reading and the other one's sleeping. If it's not national and its not abortion, neither one of you guys care what we are talking about.

[Other person] I'm not sleeping Thomas. I'm ducking under the table. That's your story and you can run with it.

[Duggan] Well, I mean I'm not making any accusation at all. I'm telling you what's been told to us. It's been verified. It's verifiable and it's going to be something that's going to be talked about a great deal in other news media outlets over the next 2 or 3 weeks, I can promise you that.

22. The following statements, *inter alia*, are untrue.
- a. Plaintiff did not throw or lose the Traficanti case, and has not been accused of

throwing the case.

- b. Plaintiff is not “best friends” with McCann. Plaintiff has no social relationship with McCann whatsoever, and McCann has never been the source of any money or referrals to plaintiff or his office. The statement was made, recklessly, willfully and maliciously, to justify why plaintiff would “throw” a case and lose at least one substantial client, and jeopardize his practice, for people with whom, in reality, he is merely acquainted.
- c. Plaintiff did not and does not make \$70,000 to \$75,000 per year representing Lawrence in worker’s compensation cases. (In fact, in June 2008, plaintiff’s representation and contract was summarily terminated. Plaintiff has a great deal more to say about this matter, but is mindful of his responsibilities under the attorney-client privilege; plaintiff specifically asked Duggan to obtain a waiver of the privilege, but Duggan again took no action.)
- d. Plaintiff did not and does not make \$100,000 a year as special counsel to the GLSD to attend meetings, and certainly not to show up to one meeting every two months.
- e. Plaintiff did not represent Methuen in *Lariviere v. Methuen, et al.*, Massachusetts Federal District Court Docket No. 05-11579EFH (Plaintiff in fact represented Lariviere against Methuen, a fact that was later corrected on the Valley Patriot website.)
- f. Upon information and belief, no BBO complaint has been filed, and any such filing would be frivolous, without merit and would be met with a lawsuit similar

to the instant case.

**COUNT I**  
**(Defamation v. Duggan)**

23. Plaintiff incorporates herein by reference paragraphs 1 through 22, inclusive, as though specifically set forth herein.
24. The statements made by Duggan were completely false and defamatory.
25. Duggan asserts that he has reliable sources for his statements. However, upon information and belief, Duggan did not make any effort, in accordance with basic journalistic standards, to corroborate the statements, even though he said his information was verified and verifiable.
26. Duggan failed to comply with any journalistic ethics or integrity in researching, investigating or reporting the defamatory statements.
27. Plaintiff was not contacted, asked for a quote, comment or corroboration.
28. Thus, the statements were made recklessly, willfully and maliciously, without any attempt to ascertain their truthfulness.
29. Duggan published the defamatory and false statements, all of which were of and concerning Plaintiff, with actual malice because he either knew the statements were false, or made the statements with reckless disregard for their truth or falsity, and in that in that they were motivated by hatred, ill will or spite or by a reckless disregard for Plaintiff's rights, with the intention of causing the plaintiff personal, professional and financial harm.
30. Plaintiff immediately communicated with Duggan and informed him of the falsity of his statements. Duggan reckless, willfully and maliciously failed undertake any further

investigation or retract or correct his defamatory statements, compounding the damage done by his initial statements.

31. Upon information and belief, Duggan has done no further investigation, and not corrected or retracted his statements; upon information and belief, Duggan has not done so to protect the prospective John Doe defendants who are in all probability elected or appointed public officials with similar unlawful motives.
32. Duggan's action in making said statements, and failure to correct or retract them, is extreme and outrageous conduct.
33. Plaintiff is aware of Duggan's relationship with officials in Methuen and Lawrence, who will be deposed as appropriate after Duggan testifies under oath as to the genesis of his statements.
34. The statements impugned the plaintiff, and slandered his honesty, integrity, virtue, or reputation, and professionalism.
35. As a direct and proximate result of the conduct described above, Plaintiff has suffered, *inter alia*, financial loss as well as permanent and irrevocable damage to his unblemished professional reputation as an ethical lawyer.

WHEREFORE, Plaintiffs pray that judgment be entered against Defendants in an amount that will fairly and adequately compensate Plaintiffs, and all other damages recoverable together with interest, costs and such other relief as this Honorable Court may deem appropriate.

**COUNT II**  
**(Defamation v. Valley Patriot, Inc.)**

36. Plaintiff incorporates herein by reference paragraphs 1 through 35, inclusive, as though

specifically set forth herein.

37. The defamatory comments were published on the Valley Patriot website, [www.valleypatriot.com](http://www.valleypatriot.com).
38. As Duggan's employer and/or publisher, The Valley Patriot is liable.
39. As a direct and proximate result of the conduct described above, Plaintiff has suffered, *inter alia*, financial loss and damage to his unblemished professional reputation as an ethical lawyer.

WHEREFORE, Plaintiffs pray that judgment be entered against Defendant in an amount that will fairly and adequately compensate Plaintiffs, and all other damages recoverable together with interest, costs and such other relief as this Honorable Court may deem appropriate.

**COUNT III**  
**(Defamation v. Merrimack Valley Radio, LLC)**

40. Plaintiff incorporates herein by reference paragraphs 1 through 39, inclusive, as though specifically set forth herein.
41. The defamatory comments were published on 890 WCAP.
42. As Duggan's employer and/or publisher, The Valley Patriot is liable.
43. As a direct and proximate result of the conduct described above, Plaintiff has suffered, *inter alia*, financial loss and damage to his unblemished professional reputation as an ethical lawyer.

WHEREFORE, Plaintiffs pray that judgment be entered against Defendant in an amount that will fairly and adequately compensate Plaintiffs, and all other damages recoverable

together with interest, costs and such other relief as this Honorable Court may deem appropriate.

**COUNT IV**  
**(Defamation v. John Doe One)**

44. Plaintiff incorporates herein by reference paragraphs 1 through 43, inclusive, as though specifically set forth herein.
45. John Doe One is an alleged source of the statements made by Duggan.
46. The statement(s) of John Doe One, if made, are defamatory.
47. John Doe One published the defamatory and false statements, all of which were of and concerning Plaintiff, with actual malice because he either knew the statements were false, or made the statements with reckless disregard for their truth or falsity.
48. The statements impugned the plaintiff, and slandered his honesty, integrity, virtue, or reputation, and professionalism.
49. John Doe One published the defamatory and false statements intentionally and with common law malice in that they were motivated by hatred, ill will or spite or by a reckless disregard for Plaintiff's rights.
50. As a direct and proximate result of the conduct described above, Plaintiff has suffered, *inter alia*, financial loss and damage to his unblemished professional reputation as an ethical lawyer.

WHEREFORE, Plaintiffs pray that judgment be entered against Defendant in an amount that will fairly and adequately compensate Plaintiffs, and all other damages recoverable together with interest, costs and such other relief as this Honorable Court may deem appropriate.

**COUNT V**  
**(Defamation v. John Doe Two)**

51. Plaintiff incorporates herein by reference paragraphs 1 through 50. inclusive, as though specifically set forth herein.
52. John Doe Two is an alleged source of the statements made by Duggan.
53. The statement(s) of John Doe Two, if made, are defamatory.
54. John Doe Two published the defamatory and false statements, all of which were of and concerning Plaintiff, with actual malice because he either knew the statements were false, or made the statements with reckless disregard for their truth or falsity.
55. The statements impugned the plaintiff, and slandered his honesty, integrity, virtue, or reputation, and professionalism.
56. John Doe Two published the defamatory and false statements intentionally and with common law malice in that they were motivated by hatred, ill will or spite or by a reckless disregard for plaintiff's rights.
57. As a direct and proximate result of the conduct described above, plaintiff has suffered, *inter alia*, financial loss and damage to his unblemished professional reputation as an ethical lawyer.

WHEREFORE, Plaintiff respectfully requests that this Court:

- a. Enter judgment in favor of the Plaintiff;
- b. Order defendant(s) to publicly retract their statements.
- c. Award damages to the Plaintiff;
- d. Award interest and costs to the full extent allowable by law; and
- e. Award plaintiff's costs and fees and such other relief as this Honorable Court may

deem appropriate.

**JURY DEMAND**

Plaintiff hereby demands a trial by jury on each claim asserted or hereafter asserted in the Complaint, and on each defense asserted or hereafter asserted by any party.

Respectfully Submitted  
Plaintiff

By his Attorney



Date:

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