

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CHRISTINE VARAD,	)	
	)	
Plaintiff,	)	
	)	C.A. No. 06 CA 11370 MLW
v.	)	
	)	
REED ELSEVIER INCORPORATED,	)	
d/b/a/ Lexis Nexis Corporation,	)	
Lexis Nexis Accurint,	)	
	)	
Defendant.	)	

**AFFIDAVIT OF T. CHRISTOPHER DONNELLY**

I, T. Christopher Donnelly, hereby depose and state as follows:

1. I am lead counsel for defendant Reed Elsevier Inc. (“Reed”) in the above-referenced action and make this affidavit based upon my personal knowledge.
2. On August 8, 2006, plaintiff filed the Complaint in this action.
3. On October 10, 2006, Reed answered the Complaint, and simultaneously moved to dismiss the Complaint against it and instead substitute Seisint Inc. (“Seisint”), the entity that Reed believes is the proper defendant in this litigation (“Motion to Substitute”).
4. Prior to a decision on the Motion to Substitute, on October 30, 2006, twenty days after Reed’s answer, plaintiff moved for summary judgment on all claims.
5. To date, no discovery has been served and no depositions have been noticed. Neither party has served initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1). The Court has not conducted, or scheduled, an initial scheduling conference pursuant to Local Rule 16.1.

6. To the extent that plaintiff's summary judgment motion is not denied, discovery is necessary in order for Reed to further support its opposition, including but not limited to the following:

a. Discovery of Gall & Gall Company, Inc. ("Gall & Gall"), the entity that provided information regarding the plaintiff to F&W Publishing, Inc. ("F&W"). One of plaintiff's central claims is that the defendant, in providing certain information to Gall & Gall, acted as a consumer reporting agency. Discovery is therefore necessary to determine what information was provided to Gall & Gall, from whom Gall & Gall received such information, and how such information was used by Gall & Gall.

b. Discovery of F&W, the entity that plaintiff alleges did not hire her based on allegedly incorrect address information. Plaintiff alleges that she was not hired by F&W because F&W concluded that the plaintiff lied on her employment application, and that F&W came to that conclusion based on an inconsistency between an address that appeared on the Gall & Gall applicant screening report and plaintiff's employment application. Because there is no evidence in the record from F&W as to why it did not hire the plaintiff, discovery is necessary. Further, despite the plaintiff's claim that she was not hired by F&W, at various points throughout her papers she refers to F&W as her "employer." Therefore, discovery is also necessary to explore the plaintiff's relationship with F&W.

c. Discovery of the Massachusetts and Maine Board of Bar Examiners. The plaintiff claims she lost licensing opportunities with these entities and has been unable to practice in her chosen profession based on allegedly incorrect address information provided by the defendant. Discovery from these entities is necessary in order to

determine what information (if any) was provided to these entities from the defendant and other sources, as well why the plaintiff was denied admission to the bar in those jurisdictions.

d. Discovery of the plaintiff, to test her assertions and allegations in the complaint, as supplemented in plaintiff's summary judgment motion.

Signed under the pains and penalties of perjury the 12<sup>th</sup> day of December, 2006.

/s/ T. Christopher Donnelly  
T. Christopher Donnelly

**CERTIFICATE OF SERVICE**

I hereby certify that on this 12<sup>th</sup> day of December, 2006, I caused a copy of the foregoing to be served on the following by regular mail:

Christine M. Varad  
P.O. Box 583  
Milton, MA 02186

/s/ Kristin M. Cataldo  
Kristin M. Cataldo