

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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CHRISTINE VARAD, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 REED ELSEVIER INCORPORATED, )  
 d/b/a/ Lexis Nexis Corporation, )  
 Lexis Nexis Accurint, )  
 )  
 Defendant. )

C.A. No. 06 CA 11370 MLW

CLERK'S OFFICE  
DISTRICT OF MASS.

**MOTION FOR SUBSTITUTION OF SEISINT, INC.  
FOR DEFENDANT REED ELSEVIER INC. AND TO DISMISS THE  
COMPLAINT AGAINST REED ELSEVIER INC.**

Pursuant to Fed. R. Civ. P. 21, defendant Reed Elsevier Inc. ("Reed") hereby moves this Court to substitute Seisint, Inc. ("Seisint") for the named defendant Reed and to dismiss Reed from this action. The requested relief is necessary because, to state it simply, the plaintiff has sued the wrong entity. All of the conduct alleged in the Complaint pertains to a non-party, Seisint, and not to Reed. Accordingly, Reed seeks an order to drop it as a party and instead substitute Seisint. As further grounds for this Motion, Reed relies upon the Affidavit of John M. Byrne ("Byrne Aff.") filed herewith, and states as follows:

1. On August 8, 2006, pro se plaintiff Christine Varad ("Varad") filed this action against "Reed Elsevier Incorporated d/b/a Lexis Nexis Corporation, Lexis Nexis Accurint," alleging that information contained in a "Lexis Nexis Accurint" database was false and incorrect, and that Reed's subsequent conduct in dealing with Ms. Varad regarding the database information was tortious. See Complaint ¶¶ 1-13.

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2. Reed, however, does not own the “Accurint” database of information, nor did it have any communications whatsoever with Ms. Varad regarding the allegations in the Complaint. See Byrne Aff. ¶¶ 3, 8.

3. To the contrary, the “Accurint” database is a product owned by Seisint.<sup>1</sup> Id. ¶ 3. Further, as attested to by Mr. Byrne, Director and Senior Corporate Counsel for Seisint, all of the communications identified by Ms. Varad in the Complaint were with Seisint, and were either sent to or from Seisint’s offices located at 6601 Park of Commerce Boulevard, Boca Raton, Florida. Id. ¶ 7. Reed does not have an office located at this address. Id. ¶ 8.

4. Accordingly, Seisint, and not Reed, is the proper entity to defend this suit.

5. Prior to answering the Complaint, counsel for Reed contacted Ms. Varad and requested that she assent to the substitution of Seisint. Ms. Varad denied counsel’s request.

6. If the Court grants this motion for substitution, Seisint has authorized the undersigned counsel to accept service of a summons and complaint directed to Seisint as defendant.<sup>2</sup>

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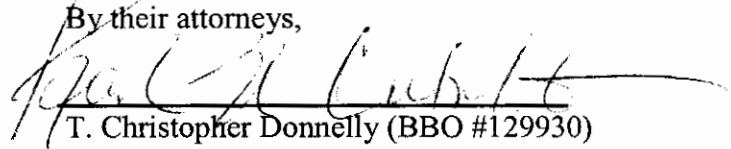
<sup>1</sup> In or about September 2004, Reed acquired Seisint. Byrne Aff. ¶ 4. Seisint remains a separate legal entity. Id. ¶ 6.

<sup>2</sup> In so far as Ms. Varad is claiming that subject matter jurisdiction is proper as a federal question pursuant to 28 U.S.C. § 1331, the substitution of Seisint for Reed will not impact her jurisdictional allegation.

**WHEREFORE**, Reed respectfully requests that this court substitute Seisint for defendant Reed, with such corresponding changes to the case caption and docket as necessary, and for such further relief as this court deems just and proper.

REED ELSEVIER INC. and  
SEISINT, INC.

By their attorneys,

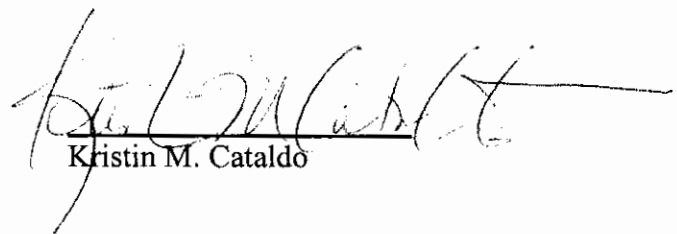


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**CERTIFICATE OF SERVICE**

I hereby certify that on this 10<sup>th</sup> day of October, 2006, I caused a copy of (i) Motion for Substitution of Seisint Inc. for Defendant Reed Elsevier Inc. and To Dismiss the Complaint Against Reed Elsevier Inc., and (ii) Affidavit of John M. Byrne, to be served on the following by overnight delivery and regular mail:

Christine M. Varad  
88 Greenfield Lane  
Scituate, MA 02066



Kristin M. Cataldo