

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHRISTINE VARAD,)	
)	C.A. No. 06 CA 11370 MLW
Plaintiff,)	
v.)	
)	
REED ELSEVIER INCORPORATED,)	
d/b/a LexisNexis, Lexis Nexis Risk & Information))	
Analytics Group, Inc.,)	
)	
Defendant.)	

EXHIBIT A

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHRISTINE VARAD,)	
)	C.A. No. 06 CA 11370 MLW
Plaintiff,)	
v.)	
)	
REED ELSEVIER INCORPORATED,)	
d/b/a LexisNexis, Lexis Nexis Risk & Information)	
Analytics Group, Inc.,)	
)	
Defendant.)	

**DEFENDANT’S SUR-REPLY TO PLAINTIFF’S
REPLY BRIEF CONCERNING PLAINTIFF’S MOTION TO JOIN**

Defendant Reed Elsevier Inc. (“Reed”) submits this short sur-reply in order to address the contentions contained in plaintiff Christine Varad’s (“Plaintiff” or “Varad”) reply brief (“Reply Brief”) concerning Plaintiff’s Motion To Join the Maine Board of Bar Examiners (“Board”) as a defendant (“Motion to Join”).

Instead of focusing on the substantive issues raised in Reed’s Opposition to the Motion to Join, Varad’s Reply Brief contains improper allegations against Reed that are scurrilous and baseless – Plaintiff actually analogizes Reed to a “criminal” and “murderer” in her brief. See Reply Brief, p. 3 (“[Reed’s] [m]aking an unsupported statement alone concerning access of those databases is merely inadmissible hearsay and will never supply the necessary burden of proof [for Reed] to rightfully prevail. *Many, many a criminal or murderer has tried making similar claims concerning his actions to a state’s attorney general’s office, but as the state well knows, it will take much, much more than that to support that claim at trial.*”) (emphasis added).

Varad’s statement is improper and groundless. This fact alone justifies that the Reply Brief be stricken. See generally Fed. R. Civ. P. 12(f) (the court may strike from any pleading material that is redundant, immaterial, impertinent or scandalous).

Furthermore, the substantive contentions in the Reply Brief are inconsistent with the Rules of Civil Procedure and the facts of this case. For example, Plaintiff claims that the reason she failed to comply with Local Rule 15.1 by not serving her Motion to Join on the Board is because she is not seeking to “add” the Board as a defendant but rather to “join” the Board in the litigation. Although Plaintiff can attempt to make artificial distinctions in the relief she seeks, the fact is that “joining” the Board as a defendant would “add” them to this lawsuit. Thus, the Board should have been served. See Local Rule 15.1(B). Further, if Plaintiff really is not seeking to “add” the Board as a defendant, then the Motion to Join need not be substantively considered by the Court, because the current complaint does not contain any allegations directed at the Board, so “joining” the Board as a defendant would be pointless.

Likewise, Varad’s claim that Reed has “artfully used the designated discovery period time to delay and then circumvented all of Varad’[sic] valid and reasonable requests for discovery...” is inconsistent with this Court’s June 21, 2007 Order which denied Varad’s motion to compel. In fact, the Court denied Varad’s request for Reed to produce the additional documents sought in her document requests. Plainly, Varad’s requests were not “valid and reasonable.”

Reed has complied with its discovery obligations and the discovery scheduling order set by the Court. Varad chose to serve minimal discovery within the discovery period – despite it being extended – and further chose not to take any depositions. The consequences of her actions have nothing to do with Reed, and certainly do not demonstrate any delay or attempt to circumvent legitimate discovery. The discovery period is set for a reason, and Varad, just like Reed, must comply with it.

WHEREFORE, Reed respectfully requests that this Court (i) strike Plaintiff's Reply Brief, (ii) deny Plaintiff's Motion to Join, and enter such further relief as this Court deems just and proper.

Respectfully submitted,

REED ELSEVIER INC.

By its attorneys,

/s/ Kristin M. Cataldo

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Dated: August 1, 2007

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of August, 2007, I caused a copy of the foregoing to be served on Christine M. Varad, P.O. Box 583, Milton, MA 02186 via first class mail.

/s/ Kristin M. Cataldo

Kristin M. Cataldo