

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Civil Docket No.: **06 CA 1137 MLW**

Christine Varad,
Plaintiff,
v.

Reed Elsevier Incorporated,
d.b.a. *LexisNexis, LexisNexis Risk &
Information Analytics Group, Inc.*,
Defendant.

**PLAINTIFF'S OPPOSITION TO
DEFENDANT'S MOTION FOR A SUMMARY JUDGMENT**

Christine Varad v. Reed Elsevier Incorporated

Doc. 73 Att. 4

TAB 4

Exhibit A

Original

AO88 (Rev. 12/06) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT

DISTRICT OF

Christine Varad

Maine

SUBPOENA IN A CIVIL CASE

v.
Reed Elsevier, Inc. dba
Lexis Nexis - Lexis Nexis
Risk and Information Analytics Group, Inc.

Case Number:¹

06 CA 11370 MLW
Massachusetts
U.S. District Court

TO:
Thomas J. Quinn, Esq.
Chair person, Maine Board of Bar Examiners

YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

Office Maine Board of Bar Examiners

PLACE OF DEPOSITION	DATE AND TIME
59 Court Street, Augusta, Maine 04332	August 1, 2007 at

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

ALL documents responsive to "Schedule A" as attached 1:00 P.M.
to Notice of Deposition; Maine Board of Bar Examiners.

PLACE	DATE AND TIME
59 Court Street, Augusta ME 04332	August 1, 2007 at

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
	1:00 P.M.

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
Linda L. Jacobson, Deputy Clerk	7/5/07

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER
LINDA L. JACOBSON, Clerk

CLERK'S OFFICE
UNITED STATES DISTRICT COURT
156 FEDERAL STREET
PORTLAND, MAINE 04101

(See Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), on next page.)

¹ If action is pending in district other than district of issuance, state district under case number

207-780-3356

MAKE CHECKS PAYABLE AND MAIL TO:

Treasurer, Kennebec County
 P.O. Box 5469
 Augusta, ME 04332

Tax ID # 016000007



Credit Memo

DATE	CREDIT NO.
8/3/2007	07087499

Services provided by:
Kennebec County Sheriff's Office
Civil Division (207) 623-1202

Billing Office:
Corporate Support Services
 P.O. Box 5469
 Augusta, ME 04332
 Phone: (207) 621-4171
 Fax: (207) 623-1399

CUSTOMER
Christine Varad PO Box 583 Milton, MA 02186

DESCRIPTION	QTY	RATE	AMOUNT
CHRISTINE VARAD v BOARD OF BAR EXAMINERS (Went from 59 State Street to 59 Court Street now at 40 Water Street, Hallowell, ME - she was out of office last week)			
Service		-16.00	16.00
Diligent Search	-2	-10.00	20.00
Travel		-14.62	14.62
County Fee		-4.00	4.00
Postage		-1.31	1.31
Subtotal			55.93
Prepayment money order #2008722844		60.00	-60.00

All refunds mailed separately, allow 30 days. NO 30 DAY ACCOUNTS. / \$5.00 CHARGE FOR EACH BILLING OVER 30 DAYS.	Refund	\$-4.07
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Maine Board of Bar Examiners
P.O. Box 140
Augusta, Maine 04332-0140
Cheryl J. Cutliffe
Executive Director

May 15, 2006

Dear Ms. Cutliffe,

In connection with my application for admission to the Maine Bar, I would like to formally notify the Maine Board of Bar Examiners that background check information in connection with my name, date of birth and social security number is unreliable and that I am in possession of evidence that I have been victimized by identity theft and fraud.

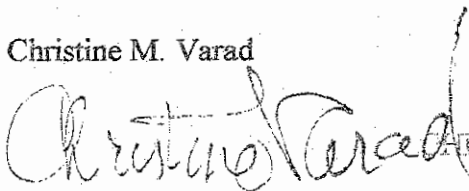
Information disseminated by Lexis Nexis Accurint concerning previous address data associated with my name and my social security number and appearing repeatedly on an Accurint report is patently false. Correct address data has been deleted or simply replaced with false information. I have reported this situation to the authorities and I believe additional false and unreliable information is being disseminated by this consumer-reporting agency.

If the Board of Bar Examiners has been provided with background check data in connection with my Bar application, name and social security number from either the National Conference of Bar Examiners or any other source of personal data reporting agency it is important that the Board be on notice of the fraudulent activity.

I request that the Board disregard all background check data in connection with my name and social security number in response to the verified fraudulent activity until the matter can be fully investigated by myself and or the police. I also request an opportunity to review for accuracy all background check data received by the Board in connection with my Bar application from the National Conference of Bar Examiners and/or from any other data reporting agency that may have already provided a report or that may be asked in future to provide a report for the Board.

Sincerely,

Christine M. Varad



CHRISTINE M. VARAD
P.O. BOX 583
MILTON, MASSACHUSETTS 01236

Maine Board of Bar Examiners
P.O. Box 140
Augusta, Maine 04332-0140
Cheryl J. Cutliffe
Executive Director

June 16, 2006

Dear Ms. Cutliffe,

I am responding to your letter to me dated June 7, 2006 in which you request that I provide the Board with complete information concerning any and all civil actions to which I am a party and copies of applicable pleadings.

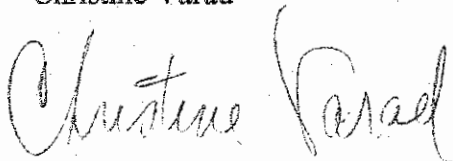
I am not presently involved in any litigation, of any kind, civil or criminal. Should that status change, I will inform the Board as required.

On May 15, 2006, I contacted the Board by letter relative to a legal issue concerning my interests and Lexis Nexis Accurint. I intended to place the Board on notice that background check reports in connection with my name and social security number contain false and unreliable information. I requested an opportunity to review for accuracy any and all background check data received by the Board in connection with my name and social security number. I have received no reply from the Board addressing that issue. I again request access to that data and information.

I have presented Lexis Nexis Accurint with a statutorily required pre-litigation letter. In the interests of full disclosure, I will enclose a copy of that letter.

Sincerely,

Christine Varad

A handwritten signature in cursive script that reads "Christine Varad". The signature is written in dark ink and is positioned below the typed name.

5.

04/19/2004 12:28 FAX 2076220059

MAINE BOARD BAR

02

CATHERINE M. CONNORS, ESQ.
CHAIR
PAMELA B. GALVIN
SECRETARY
BARBARA L. GOODWIN, ESQ.
TREASURER
C. DONALD BRIGGS, III, ESQ.
ALFRED H. FUCHS
LAURIE A. GIBSON, ESQ.
LEIGH MCCARTHY, ESQ.
PAUL H. MILLS, ESQ.
THOMAS J. DUINN, ESQ.



State of Maine
Board of Bar Examiners

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www.mainebar-examiners.org

CHERYL J. CUTLIFFE
EXECUTIVE DIRECTOR

April 19, 2004

VIA TELEFAX

Edward DiManna, Account Manager
Accurint

RE: Free Trial Activation

Dear Ed:

Following up on our demo meeting last Thursday, enclosed herewith please find the completed and signed Application and Agreement for Government Agencies. I am assuming that this letter will serve the letterhead requirement, and I have enclosed a copy of my business card.

As we discussed, please activate our account for a free trial for the remainder of the week with unlimited clicks. In speaking with several of the Board members so far, the interest is high and I anticipate they will want to try it using the Free Trial during their meeting on Thursday of this week.

Should you need any additional information, please let me know. Please contact me as soon as possible to finalize the free trial activation. Thank you.

Very truly yours,

Cheryl J. Cutliffe
Cheryl J. Cutliffe
Executive Director

/cjc
Enclosures

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

Cheryl J. Cutliffe
Executive Director
Maine Board of Bar Examiners
P.O. Box 140
Augusta, Maine 04332-0140

May 21, 2005

Dear Ms. Cutliffe,

I have received your letter to me of May 6, 2005 informing me that your review of my application for the July 2005 bar examination included some deficiencies in the information provided. I apologize for any inconvenience I may have caused the Board. I sincerely hope that this letter will serve to fully correct any inadvertently incomplete application responses as previously submitted.

1. Dates for the two residences listed on page 4 of the application from 1980 to 2005.

Updated Response:

- | | | |
|----|---|-------------------------------|
| 1. | 88 Greenfield Lane, Scituate, MA 02066 | June 1, 1980 - Sept. 16, 2004 |
| 2. | 3 Pleasant Street, Burlington, MA 01803 | April 4, 1986 - June 30, 1991 |
| 3. | P.O. Box 583 Milton, MA 02186 | Sept 16, 2004 - Present |

2. Complete Employment History including applicable dates from 1980 to 2005.

Updated Response:

My disability impeded my ability to become employed. I developed entrepreneurial skills in order to compensate for the lack of traditional employment opportunities. After graduating from the Massachusetts College of Art and leaving my position as a graphic artist with the Shawmut Bank of Boston, N.A. at One Federal Street, Boston, MA 02110 in June of 1980, I began work to fulfill my dream of establishing a small studio design business. I named my business "Varacolors" and began providing fine art sales and framing services to the trade. I am proud to tell you that Varacolors was affiliated with the American Society of Interior Designers at the Boston Design Center, Boston, MA as an Industry Foundation member service provider. The business was based out of the 88 Greenfield Lane address due to the usual small business financial concerns.

While many "jobs" have specific dates attached to define a genuine beginning date and ending date, it is next to impossible to accurately define the

exact date on which one becomes a small business owner. I can give you the date that Varacolors was formally registered to pay sales tax with the state of Massachusetts, Department of Revenue; that date was July 14, 1989. I have often considered that date to be the "beginning date" even though it was never the true date of the beginning of work on Varacolors as a business.

In approximately late 1990, I decided to redefine the services provided by "Varacolors" in response to the encouragement of some of the Industry Foundation member business owners. I changed from providing fine art and framing to focusing almost entirely on offering my services as a textile designer and also providing completed textile designs for sale to the trade. I don't know that there was a specific date when I decided to make changes to the preexisting fine art and framing business. It was a gradual evolution consisting of many business associate influences that resulted in the reconfiguration of Varacolors into a solely textile designing service. I had begun to enjoy being in New York, New York to attend related textile, or surface print design, trade shows and client portfolio review appointments. Perhaps the exact date of inception was the date of my first textile design sale to my client, Saddle Row Fabrics, 70 West 10th Street, New York, New York on March 31, 1995 and exact ending date was when the multiple legal issues connected with the copyrighting and marketing of fine art and textile designs became more interesting to me than the creative process itself. By the end of May 1997 I had made the final decision to change my current employment direction in order to study law and become a lawyer.

In the mean time, I found temporary employment opportunities during 1997 and 1998 at Special Counsel of Boston, MA (document review, White and Case/Raytheon) and with the United States Internal Revenue Service at Andover, MA. In August of 1998, I began work on my first novel entitled "Little Wing" and also entered New England School of Law as a first year law student. During my second year as a student at New England School of Law 1999-2000 I was privileged to work in the school's law library as an assistant.

When I graduated from law school in 2001 my disability yet again surfaced to impede my ability to become employed. I decided to work to finish, polish and market my first fictional work entitled, "Little Wing," and upon completion of that task, I began work on a second work entitled "Seahorse Scrolls." I am presently still working on that second novel. The successful marketing of fictional works is an on-going challenge.

3. Define employment as a "pro se practitioner" from February 2001 to the present detailing specific work performed, for whom performed and whether it was performed under supervision of an attorney.

Updated Response:

First of all, please allow me to state that all "pro se" work was performed solely to support and assert my own legal rights and interests. Secondly, there was no other person or persons supervising the work that I submitted to the court on my own behalf in any way. Thirdly, I am not licensed to practice law in the

state of Massachusetts and therefore I have no right to represent the legal interests of others before the court. I have never, at any time, represented the rights of anyone other than myself before the court nor have I ever given legal advice to anyone for any reason relative to their legal rights or interests.

I asserted what I considered to be very important legal issues relative to my own rights under the ADA in *Varad v. Massachusetts Board of Bar Examiners, et als.* I will provide copies of some of the pleadings as per request No. 5. The case was originally filed in federal court and appealed to the First Circuit Court of Appeals and to the United States Supreme Court.

I believe that the experience I gained by asserting my own rights through the federal court system is a kind of employment experience that certain employers might find interesting and useful to determine my level of legal skill. I therefore included the information on my resume.

4. Reference list on (Page 20) was incomplete, two additional names required.

Updated Response:

1. Kristin McCarthy
Reference Law Librarian
New England School of Law
154 Stuart Street
Boston, MA 02110
617 422 7418
2. Sandy Lamar
Attorney and Chief Law Library Reference Librarian
New England School of Law
154 Stuart Street
Boston, MA 02110
617 422 7331

5. Provide the complaint, answer and final disposition of *Varad v. Massachusetts Board of Bar Examiners, et als.*

Updated Response:

Copies of the requested documents are enclosed.

6. Provide a completed copy of Form 6.

Updated Response:

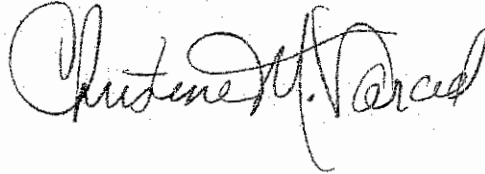
The requested documentation is enclosed.

9.

I truly hope my updated responses will be specific and complete enough to satisfy all of the Boards requirements. I am very sorry for any inconvenience I may have caused you or the Board. I can be contacted at (781) 545 2627 if you have any questions or need any additional information.

Sincerely,

Christine M. Varad

A handwritten signature in black ink, appearing to read "Christine M. Varad". The signature is written in a cursive style with a large initial "C" and a long, sweeping tail.

10.

Thomas J. Quinn, Esq.
Chairperson
Maine Board of Bar Examiners
P.O. Box 140
Augusta, Maine 04332
207 623 2464

June 1, 2007

Dear Mr. Thomas J. Quinn, Esq.,

I contacted you by letter on May 5, 14 and 31, 2007 regarding my February 2007 Bar examination results. I have to date received no reply.

I participated in the February 2007 Bar Examination utilizing a disability accommodation under objection as directed by the Board which included and required, (1) transcription of my answers by a court reporter and (2) a second transcription of my testing responses by the court reporter arranging any and all of my out of sequence oral testing responses for final submission in a second, computerized testing format in order to allow for anonymous grading. I was not able to review the final, computerized testing submission.

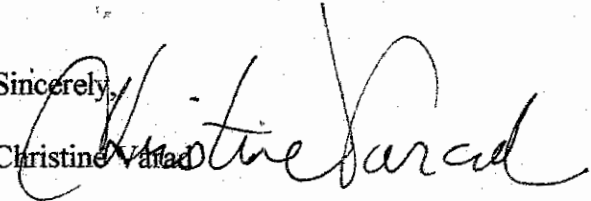
On May 5, 2007, I requested and paid the fee for a copy of (1) the original reporter's tape recording made of my oral testing responses, (2) the first computer transcription of my testing responses made by the reporter and (3) a copy of the final transcription as subsequently re-assembled and properly sequenced by the reporter for submission as a final testing response in computerized format for grading purposes.

The Board supplied me with only a copy of the final transcription as subsequently re-assembled by the court reporter for submission in the final anonymous computerized testing format. I have reviewed those documents and find that they do not accurately or completely reflect my original oral testing responses. I now demand to be provided with a copy of the original transcript and the reporter's tape recording of my responses. I now demand an immediate re-evaluation and re-grading of my February Bar examination based exclusively on the original transcription and/or audio tape recording of the oral testing responses.

Please contact me as soon as possible concerning this matter at the address and/or telephone number below.

Sincerely,

Christine Varad



Christine Varad
P.O. Box 583
Milton, Massachusetts 02186
781 583 7117

Thomas J. Quinn, Esq.
Chairperson
Maine Board of Bar Examiners
P.O. Box 140
Augusta, Maine 04332
207 623 2464

June 14, 2007

Dear Mr. Thomas J. Quinn, Esq.,

I have received a letter from Cheryl Cutliffe dated June 6, 2007 in response to letters that were addressed to you. I am left to assume that you are refusing to make any personal response.

Within that letter, Ms. Cutliffe admits that she tampered with my February 2007 Bar examination responses as follows:

"Because I was the one who did the conversion, I can assure you that the only alterations to your answers were the elimination of annotative instructions which would reveal that the answers were verbally dictated such as "new paragraph," and separating out the portions designate for each question."

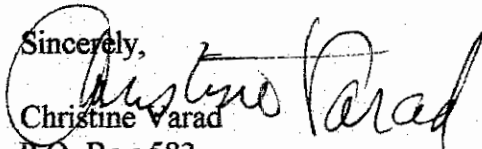
I am stating that upon review of the documents that Ms. Cutliffe has sent to me, I find that portions of my February 2007 Bar Examination answers have been deleted.

Cheryl Cutliffe, acting as agent of the Maine Board of Bar Examiner's tampered with my examination to intentionally create an adverse grading result. I consider that she took that action pursuant to background check information she received from "Accurint" databases concerning me where the Maine Board of Bar Examiners maintains full access Accurint databases by account opened by Ms. Cutliffe.

I demand to be provided with the audio record of my examination. I further demand that a re-evaluation of my examination be performed immediately based solely on the audio record of my testing responses.

I have attempted to contact Ms. Cutliffe by telephone and by email on multiple occasions concerning access to Board records and the June 25th deposition by written questions. Please contact me as soon as possible at 781 583 7117.

Sincerely,


Christine Varad

P.O. Box 583

Milton, Massachusetts 02186

Varacolors@msn.com

12-

THOMAS J. QUINN, ESQ.
CHAIR
JOANNE LEBEL, M.S.Ed., C.A.S.
SECRETARY
PAUL H. MILLS, ESQ.
TREASURER
JENNIFER A. ARCHER, ESQ.
PETER B. BICKERMAN, ESQ.
C. DONALD BRIGGS, III, ESQ.
ALFRED H. FUCHS, PH.D.
LEIGH MCCARTHY, ESQ.
NATHANIEL M. ROSENBLATT, ESQ.



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execdir@mainebarexaminers.org

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www.mainebarexaminers.org

State of Maine
Board of Bar Examiners

CHERYL J. CUTLIFFE
EXECUTIVE DIRECTOR

June 6, 2007

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

RE: Maine Bar Application for Accommodations

Dear Ms. Varad:

At Mr. Quinn's request, and on behalf of the entire Board of Bar Examiners, I am responding to your letters addressed to Mr. Quinn dated May 5, 2007; May 14, 2007; and May 31, 2007.

As I have stated to you in previous correspondence, there are several factors the Board must consider in granting and providing accommodations for disabled applicants. First, the Board must consider whether the requested accommodation is reasonable in relation to the nature of the applicant's disability. Second, the Board must also consider whether the requested accommodation creates risk for the integrity and security of the exam. Finally, the Board must consider whether the accommodation would result in an advantage not afforded to non-disabled applicants.

In your particular case, you suffer from a hand injury which prevents you from both writing and typing for long periods of time. The Board granted you a court reporter to dictate your responses, and you in fact indicated to the monitor, the court reporter and myself at the exam that the accommodation was working well for you. Your letters to Mr. Quinn indicate that you question both the need for the conversion of your essay answers for grading and the process by which the conversion is undertaken.

First, you assert that "[g]raders are not able to discern the identity of examinees that have been granted testing accommodations and the 're-formatting' [sic] element only serves to unfairly impair the assessment and grading process...." The same members of the Board who review and grant accommodations are actively involved in the grading process. If your answers were simply

Ms. Christine M. Varad
June 6, 2007
Page 2

provided to graders in a court-reporter-transcript format, Board members would be able to identify you because you were the only applicant granted a court reporter. Both the anonymity of applicants and the integrity of the exam would be compromised, resulting in an unfair advantage.

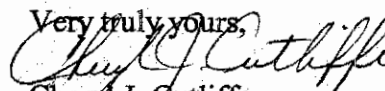
Therefore, to eliminate such a compromise of anonymity, your essay answers must be converted to look like those of other applicants. There are two options for such a conversion – converting them to the format utilized by computerized testing applicants, or handwriting them into blue books from the court reporter's transcription. Because the handwriting option creates more opportunity for error during the conversion process, your answers were converted to computerized testing format.

Because I was the one who did the conversion, I can assure you that the only alterations to your answers were the elimination of annotative instructions which would reveal that the answers were verbally dictated such as "new paragraph," and separating out the portions designated for each question. You were given the opportunity at the exam to sit directly next to the court reporter and edit your answers as you went along. You verbally indicated to me that you had plenty of time, and the time records reflect that you finished most sessions early, indicating that you were satisfied with your answers at the conclusion of each session.

You also suggested that you should have been afforded the opportunity to review your answers once the conversion was completed. Again, this would result in an unfair advantage to you that is not afforded to other applicants. The Board's obligation to maintain the integrity of the exam would not allow for such a review.

Finally, you suggested that the graders should have been made aware of the accommodation in completing the grading process. The Board and exam graders **MUST** maintain each and every applicant's anonymity through the grading process and must treat each answer equally in order to protect against creating an unfair advantage for any individual applicant and to maintain the integrity of the exam for all applicants.

I hope this response addresses your concerns.

Very truly yours,

Cheryl J. Cutliffe
Executive Director

/cjc

14

THOMAS J. QUINN, ESQ.
CHAIR
JOANNE LABEL, M.S.Ed., C.A.S.
SECRETARY
PAUL H. MILLS, ESQ.
TREASURER
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State of Maine
Board of Bar Examiners

CHERYL J. CUTLIFFE
EXECUTIVE DIRECTOR

June 18, 2007

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

Re: July 2007 Maine Bar Examination

Dear Ms. Varad:

Upon my initial review of your application for the above-referenced bar examination, I noted the following:

1. You indicated on your application that you were eligible to sit for Day 1 only of the examination. However, you do not meet the requirements for a modified bar examination pursuant to M.B.A.R. 10(e)(1) because your prior MBE score from Massachusetts is now more than 61 months old (February 2002). Therefore, the Board will require that you sit for both days of the July 2007 exam.
2. Because your original application to sit for the Maine bar examination is now more than two years old (April, 2005), the Board has requested that you complete an updated application. I am enclosing a blank updated application, as well as a copy of your previous application to assist you in completing the updated application. Please provide the completed updated application as soon as possible. You do not need to resubmit School Certificates and Reference Questionnaires.

Processing of applications will not be completed until mid to late June. You will receive further correspondence from us sometime around July 1st regarding the completeness of your file.

Sincerely,

Cheryl J. Cutliffe
Cheryl J. Cutliffe
Executive Director

/cjc

15

Cheryl J. Cutliffe
Executive Director
Maine Board Bar Examiners
P.O. Box 140
Augusta, ME 04332

July 14, 2007

Dear Ms. Cutliffe,

I have received your July 5, 2007 letter to me in which you suggest that I have submitted an application to take part one and part two of the July 2007 Maine Bar Examination. I have submitted no such application the July 2007 Maine Bar Examination. In fact, you sent me an application to fill in and submit and I responded by letter dated July 2, 2007 indicating that I have no interest in submitting any such application.

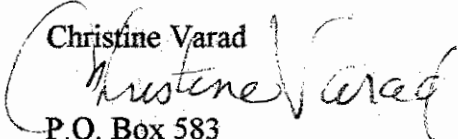
Your July 5, 2007 letter to me indicates that the Board considered and determined two disability accommodations in testing for me concerning part one and two of the July 2007 Bar examination pursuant to an application that was not in fact or truth ever submitted.

I can not understand or respond to the Board's determination of a disability accommodation in testing for me made in the absence of my submission of a genuinely completed and signed application requesting any such accommodation.

As your June 18, 2007 letter states, I did not submit a valid application to participate in the July 2007 Maine Bar Examination and as a result I have not submitted any application. The fee received by the Board in connection with that invalid application was received in error. Again, please refund that fee immediately.

Sincerely,

Christine Varad


P.O. Box 583
Milton, MA 02186
781 583 7117

THOMAS J. QUINN, ESQ.
CHAIR
JOANNE LEBEL, M.S.Ed., C.A.S.
SECRETARY
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NATHANIEL M. ROSENBLATT, ESQ.



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State of Maine
Board of Bar Examiners

CHERYL J. CUTLIFFE
EXECUTIVE DIRECTOR

July 5, 2007

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

RE: Maine Bar Examination – Request for Special Accommodations

Dear Applicant:

The Board of Bar Examiners has considered your request for accommodations for the July 2007 examination. It has decided to grant you the use of a court reporter, a separate room and no additional time for Day 1 of the exam, and a scribe for Day 2 to record your answers on the MBE answer sheet with no additional time.

Please report to the registration table and main examination room at the regularly scheduled time on the morning of the first day and we will handle transferring you to your room at the appropriate time. You will begin the exam at the regularly scheduled time each day and will stay later each day to complete your exam. Tardiness will not be tolerated, pursuant to the Board's policy concerning late applicants for the bar examination.

In the event you are granted and accept accommodations for the Maine bar examination and then fail to appear to take the exam as scheduled, you will be responsible for reimbursing the Board for any expenses occurred in relation to providing your accommodations including, but not limited to, any charges for extra room, monitor services, court reporter fees, and any and all other fees associated with granting your accommodation.

Please acknowledge your acceptance of these accommodations by signing and returning one copy of this letter in the enclosed envelope. We must receive your acknowledgment on or before Friday, July 13, 2007, in order to make the necessary arrangements for your accommodation at the exam site.

Should you have any questions, please feel free to contact me.

Very truly yours,

Cheryl J. Cutliffe
Cheryl J. Cutliffe
Executive Director

/cjc

I hereby acknowledge and accept the accommodations being granted by the Board of Bar Examiners for the July 2007 examination and further understand that if I fail to appear for the exam, I will be responsible for any charges incurred by the Board in relation to providing my accommodation.

Christine Varad

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Civil Docket No.: 06 CA 1137 MLW

Christine. Varad,
Plaintiff,
v.

Reed Elsevier Incorporated,
d.b.a. *LexisNexis, LexisNexis Risk &
Information Analytics Group, Inc.*,
Defendant.

**PLAINTIFF'S OPPOSITION TO
DEFENDANT'S MOTION FOR A SUMMARY JUDGMENT**

TAB 4

Exhibit B

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Civil Docket No.: 06 CA 1137 MLW

Christine Varad,
Plaintiff,
v.

Reed Elsevier Incorporated,
d.b.a. *LexisNexis, LexisNexis Risk &
Information Analytics Group, Inc.*,
Defendant.

AFFIDAVIT OF PLAINTIFF CHRISTINE VARAD

I, Christine Varad, hereby state the following under pains and penalty of perjury:

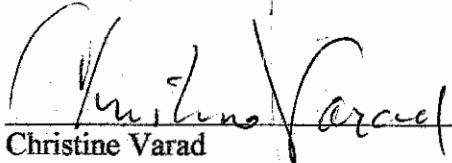
1. I have never lived in or visited South Dakota at anytime, for any reason. I have never held a post office box in South Dakota at any time or for any reason. I am not aware of any legitimate reason for an address in South Dakota to be associated with my name; birth date or social security in a LexisNexis® database system generated report.
2. After reviewing the final, computerized version of my dictated, oral testing responses as submitted for grading concerning my February 2007 Maine Bar Examination, I found and determined that significant portions of my test responses had been deleted.
3. To my knowledge and understanding, Cheryl Cutliffe, Executive Director of the Maine Board of Bar Examiners, admitted, by letter to me dated June 6, 2007, that she deleted portions of my examination testing responses prior to submission for grading. See: Tab 4, Exhibit A, page 12.

3. I personally observed and verified that the court reporter was making an audio record of my responses in addition to her hand dictated copy of the test responses as made into her personal computer. Ms. Cutliffe has refused to produce that audio recording.
4. I did not submit an application to participate in the State of Maine's Multistate Bar testing on the July 2007 bar examination nor I did not request a disability accommodation for participation in such testing.
5. Legitimate address history information such as my former marital address in Burlington, Massachusetts was missing from the LexisNexis® Accurint™ address history report so that when I truthfully included that address information as requested by employment and Bar applications it appeared as though I was being untruthful regarding my address history.
6. I was personally told by Richard Wallace, my supervisor at F&W Publishing, Adams Media, that based on the background report it received concerning me from Gall & Gall Company, that he had concluded that I had either lied on my employment application or intentionally failed to respond truthfully to specifically requested address history information.
7. I formed a belief that LexisNexis® Accurint™ reported the same false, misleading and libelous data concerning me to government agencies and law enforcement and representatives of the State of Massachusetts and the State of Maine as was reported to Gall and Gall Company and subsequently F&W Publishing, Adams Media.
8. Upon information and belief the State of Massachusetts Board of Bar Examiners and the State of Maine Board of Bar Examiners as state court departments access

several of LexisNexis® database systems to obtain personal information concerning bar applicants.

9. I have been asked to provide complete and comprehensive address history information going back to at least 1980 on applications I submitted for admission to the Bar in the State of Massachusetts, the State of Maine and the National Conference of Bar Examiners.

10. Upon information and belief LexisNexis® database Accurint™ provided the same defamatory and libelous address history information on me that it provided to Gall and Gall Company and F&W Publishing, Adams Media to the State of Massachusetts Board of Bar Examiners, the State of Maine Board of Bar Examiners and the National Conference of Bar Examiners defaming and libeling me to thereby interfere with my professional reputation, my access to professional licensing, professional organizations and adversely affecting my ability to earn a living in my chosen profession.


Christine Varad

September 11, 2007