

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
FEB 18 11 47 AM '00

RICHARD J. SERON,

Plaintiff,

v.

PLANNED PARENTHOOD
FEDERATION OF AMERICA, INC., and
NATIONAL ABORTION FEDERATION,

Defendants.

00cv10317 NG

RECEIPT # 20410
AMOUNT \$ 100.00
SUMMONS FEE 40.00
LOCAL RULE 41
WARRANT OF EXEC. 11
ENTRY ISSUED
AD IN OR 101 NO
BY DEPT CLERK JK
DATE 2-18-00

COMPLAINT

Comes now the Plaintiff, Richard J. Seron, and for his cause of action against the Defendants Planned Parenthood Federation of America, Inc., and National Abortion Federation states:

Jurisdiction

1. This Court has jurisdiction of this matter pursuant to U.S.C. Title 28, § 1332, Diversity of Citizenship.
2. Plaintiff is a resident of the Commonwealth of Massachusetts.
3. Defendant Planned Parenthood Federation of America, Inc., is a New York corporation with its principal place of business in New York, New York.
4. Defendant National Abortion Federation is a national association of abortion providers and has its principal place of business in Washington, D.C.

Complaint

5. The amount in controversy, excluding interest and costs, exceeds \$75,000.00.

Count I: Breach of Contract

6. On or about November 16, 1993, the Bureau of Alcohol, Tobacco and Firearms, Planned Parenthood Federation of America, Inc. (PPFA), and the National Abortion Federation (NAF) announced at a joint news conference the establishment of a \$1 million reward fund to help solve attacks on abortion clinics. News of the announcement was carried nationwide. Since that time the PPFA and NAF have reaffirmed the reward offer after every serious abortion clinic attack, including the December 30, 1994 Brookline, Massachusetts clinic shootings. As co-sponsors of the reward, the PPFA and NAF are jointly and severally liable for failing to honor their offer by paying the reward to qualified claimants.

7. On or about September 29, 1994, the National Abortion Federation published a News Release reaffirming that it was offering a standing award of \$100,000.00 per incident for information leading to the arrest and conviction of any person responsible for murder or serious acts of vandalism at abortion and family planning clinics. A copy of the News Release is attached hereto and marked "**Exhibit A.**"

8. At all times relevant herein Plaintiff was an employee of Preterm Health Services, 1842 Beacon Street, Brookline, Massachusetts, a family planning and abortion provider. His duties were split as a part-time facilities worker and a part-time security guard.

9. On or about December 30, 1994, Plaintiff was working as a facilities worker, stocking and checking supplies in the storage room, when John C. Salvi III entered Preterm Health Services and launched an armed attack with a high capacity assault weapon, killing one clinic employee and wounding another.

10. Although Plaintiff had been instructed by his employer not to fire his weapon, except in self-defense, Plaintiff opened the storage room door and engaged in a shoot out with Salvi at close range, approximately five feet between them. This exchange of gun fire resulted in Salvi fleeing the building leaving behind his athletic bag containing hundreds of rounds of reserve ammunition, a Ruger pistol, and certain crucial gun store receipts. During the shoot out Plaintiff suffered four gunshot wounds to his arms and left hand resulting in serious injuries with many of Salvi's shots narrowly missing the Plaintiff.

11. By his act of gallantry, in the face of superior firepower and with utter disregard for his own life, Plaintiff saved the life of Jane Sauer who was being shot at the time Plaintiff opened the storage room door, and saved the lives of at least eight other people in an adjacent room, preventing a health facility massacre of historic proportion.

12. Based on the information and evidence provided by Plaintiff from Salvi's abandoned bag, law enforcement authorities traced the serial number on the pistol and the gun store receipts that led to the speedy identification and arrest of the assailant, John C. Salvi III, for the shootings at the Brookline clinics.

13. Plaintiff received private and public recognition for stemming the loss of life during the attack and for capturing physical evidence that led to Salvi's swift identification, arrest and conviction. Copies of written recognition received by Plaintiff are attached hereto and marked **Exhibits B and C**.

14. In 1996, Plaintiff served as a key witness for the prosecution in the trial of Salvi that resulted in conviction on two counts of first degree murder, five counts of attempted murder, and a host of lesser charges. Salvi was sentenced to two consecutive life sentences

without parole for first degree murder and five consecutive four year sentences for attempted murder.

15. Due to the traumatic nature of this incident, and his physical injuries, Plaintiff has a permanent total disability, diagnosed as post-traumatic stress disorder and clinical depression, and is now receiving Social Security disability income.

16. Plaintiff notified Defendants of his claim for the \$100,000.00 reward in letters addressed to each of them dated May 8, 1995. Copies of which are attached hereto and marked **Exhibits D and E**. He didn't receive a response until he received a letter from PPFA, dated April 21, 1996, informing him that his inquiry was being processed. A copy is attached hereto and marked **Exhibit F**. After another six months had passed, Plaintiff's attorney wrote to defendants again on October 29, 1996, requesting a response within two weeks. A copy is attached hereto and marked **Exhibits G and H**.

17. To date Defendants have ignored Plaintiff's notices of claim and refused and failed to give him a determination.

18. Defendants PPFA and NAF purported to act seriously in announcing the reward to the media and in the 1994 News Release and therefore such publication constitutes a unilateral contract, which was never revoked. Plaintiff's actions leading to the identification, arrest and conviction of Salvi constitute a performance and acceptance of the unilateral contract. Plaintiff's acts clearly provided "information leading to the arrest and conviction of [a] person responsible for murder . . . at abortion and family planning clinics." Thus, Defendants' failure to acknowledge Plaintiff's performance of the contract and lawful claim of the reward constitutes a breach of contract under Massachusetts law. Plaintiff hereby requests specific

performance of the contract and damages for the breach.

19. Under Massachusetts law, G.L.c. 231, § 6C, prejudgment interest should be awarded from the date of first demand, May 8, 1995.

20. Under Massachusetts law, G.L.c. 235, § 8, postjudgment interest should be awarded on the entire judgment (including prejudgment interest).

21. Due to the failure of the Defendants to promptly render the \$100,000.00 award due to Plaintiff, he has suffered financial deprivation and consequential damages, while being disabled as a result of his injuries.

WHEREFORE, Plaintiff demands specific performance of the contract, that judgment against the Defendants, jointly and severally, be entered in the sum of \$100,000.00, plus damages for breach of contract, prejudgment interest, postjudgment interest, consequential damages, costs of this action, and such further relief as may be just and proper in the premises.

Count II: Breach of Implied Covenant of Good Faith and Fair Dealing

22. Rhetorical paragraphs 1-21 are incorporated herein by reference.

23. Since Plaintiff's actions were widely reported in the media, and since he received public commendations, all of which Defendants were advised of in his notice of claim letters, Defendants' refusal to grant his claim constitutes bad faith and a breach of the implied covenant of good faith and fair dealing.

24. Due to Defendants' actions, Plaintiff has suffered the injury of not receiving the \$100,000.00 award due him, while being disabled as a result of his injuries, thus resulting in financial deprivation and consequential damages.

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and severally, in the sum of \$100,000.00, plus prejudgment interest, postjudgment interest, consequential damages, costs of this action, and such further relief as may be just and proper in the premises.

Count III: Unfair and Deceptive Practices

25. Rhetorical paragraphs 1-24 are incorporated herein by reference.

26. Defendants' advertising of a \$100,000.00 reward as part of their ordinary course of business, trade or commerce, and refusal to honor a legitimate claim, constitutes an unfair and deceptive practice pursuant to Massachusetts law, G.L.c. 93A, §§ 2 and 9.

27. Since Plaintiff's actions were widely reported in the media, and since he received public commendations, all of which Defendants were advised of in his notice of claim letters, Defendants' refusal to grant his claim constitutes bad faith and a willful and knowing violation of said law.

28. Due to the Defendants' actions, Plaintiff has suffered the injury of not receiving the \$100,000.00 award due him, while being disabled as a result of his injuries, thus resulting in financial deprivation and consequential damages.


29. Pursuant to the law, and more than thirty days before filing suit, Plaintiff mailed to the Defendants a written demand for relief, identifying himself and describing the unfair and deceptive practices of the Defendants, the injury suffered, and a copy of the proposed complaint. A copy is attached hereto and marked **Exhibit I**.

30. Defendants, in bad faith, have refused to make any offer of settlement. Copies of their response letters are attached hereto and marked **Exhibits J and K**.

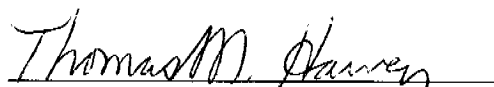
WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and severally, in the sum of \$300,000.00, plus prejudgment interest, postjudgment interest, consequential damages, reasonable attorney fees and costs, costs of this action, and such further relief as may be just and proper in the premises.

PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL COUNTS SO TRIABLE.

BOPP, COLESON & BOSTROM


James Bopp, Jr.
Barry A. Bostrom

LAW OFFICE OF THOMAS M. HARVEY


Thomas M. Harvey

James Bopp, Jr.
Ind. Bar No. 2838-84
Barry A. Bostrom
Ind. Bar No. 11912-84
BOPP, COLESON & BOSTROM
1 South 6th Street
Terre Haute, IN 47807-3510
812-232-2434
812-235-3685 (fax)

Lead Counsel for Plaintiff

Thomas M. Harvey
Attorney at Law
79 Milk Street, Suite 500
Boston, MA 02109
617-357-5500
617-357-5507 (fax)
Mass. B.B.O. #225050

Local Counsel for Plaintiff

Complaint



NEWS RELEASE

DUPLICATE

00cv10317 NG

STATEMENT: Sylvia Stengle

September 29, 1994

Re: release of "Army of God" underground anti-abortion manual

My name is Sylvia Stengle. I am the director of the National Abortion Federation (NAF). It is the national association of abortion providers committed to quality abortion care and access for all women.

We bring to your attention a manual called "The Army of God." It is identical to one seized from the yard of Shelley Shannon, the woman who is in jail on charges of attempting to murder abortion provider Dr. George Tiller in Wichita, Kansas, last year. The "Army of God" manual is a step-by-step guide to terrorism, from how to disable alarms to how to make and use homemade explosives.

Reading the manual from cover to cover, I recognized numerous tactics that had been used against my own clinic and against my colleagues over the years. Multiple memories came back of days struggling to deliver health care to women, many of whom had traveled hours to get care, while enduring harassment techniques described in this book. Problems we've endured that are encouraged in this book range from phone lines jammed by an auto-dialer to tar poured on the waiting room rug to holes chopped in a clinic roof on a rainy night. I vividly remember both the fear and the courage of the women who came for health care, as we struggled to help them during episodes of repeated harassment and vandalism over the past fifteen years.

Lawbreakers at clinics have consistently cloaked their illegal activity in the language of religion and caring. I will never forget, for example, a paramilitary invasion of my own clinic's waiting room. The intruders raced in throwing chairs at the same time they were shouting, "We love you," and chanting hymns. Even though these people use religious language, they are definitely not motivated by religious caring. Paul Hill, the man who killed Dr. Britton and his escort in Pensacola, is repeatedly referred to as a former

Exhibit A

Presbyterian minister. David Trosch, who has publicly advocated the murder of physicians, is a Catholic priest. Because of their assertion of religious motives, in many communities the police have been slow to arrest and the courts have been slow to convict and lenient in sentencing. This book clearly shows that extremists are not caring people. Caring people adopt foster children. They do not bomb and murder. The extremists in the anti-abortion movement, who broke the law with impunity during the Reagan years, now represent a movement out of control, that has advanced from bombing to murder. We must, as a nation, set limits on this political terrorism.

We know clearly that we have a nation that is deeply divided morally on the issue of abortion. Those who seek and provide abortions do so from deep moral commitments and out of concern for the health of women and families. Their health care decisions should not be constricted because intimidation and terror from the "Army of God" are allowed to continue.

We don't know how big the "Army of God" is, and we do know some extremists are not members of that group. We know that extremists represent a small but very dangerous fraction of the anti-choice community.

Importantly, we also know that we, as a nation, can set limits on this violence. NAF has tracked anti-abortion activity for the past seventeen years. We know from that history that where the police and the courts have enforced the law vigorously, there have been very few problems. Where the police have looked the other way and the courts have been lax, lawbreaking has mounted. This manual refers with some relish to past opportunities for lawbreaking without penalty because of lax law enforcement.

Now that the nature of this manual and its network of readers is known, we must work both to prevent further crimes as well as to prosecute crimes that are committed. Armed with such clear evidence of conspiracy, we should be in a stronger position to combat these tactics.

NAF applauds the leadership of President Clinton and Attorney General Reno. We applaud the Justice Department's formation of an interagency task force on anti-abortion violence. This task force must be permanent to be effective, however.

We have sent copies of this manual to Attorney General Reno. We call for a full scale investigation to find and prosecute all those involved in this campaign of terror.

NAF also applauds Congressman Schumer for holding hearings on the enforcement of the Freedom of Access to Clinic Entrances Act (FACE). We call for vigorous enforcement of FACE. Since its passage four months ago, only two charges have been filed under FACE--one for murder and one for blockades, --even though there have been other violations. FACE prohibits threats and intimidation against doctors. No charges have been filed for threats, even though doctors are receiving them. Vigorous enforcement against intimidating threats is also urgently needed. We call upon the public to give strong support to government efforts on the local, state, and federal level to enforce the law strictly.

We call upon the press to stop giving celebrity status to extremists through interviews and talk shows, to stop giving them a platform for justifying their violence. Just as we do not give a platform to kidnappers or international hijackers, we should not give a platform to these criminals. And we particularly call upon responsible leaders in the anti-abortion community to join us in deploring the violence advocated in this manual. We want to remind the anti-abortion community that there is a \$100,000 per incident reward for information leading to the arrest and conviction of any person responsible for murder or serious acts of vandalism at abortion and family planning clinics.]

In conclusion, this "Army of God" manual confirms that a network of conspiracy to stop abortion providers from serving women exists, that the motives of these people are not from religious caring, and that a concerted national effort is necessary to set limits on extremists and prevent further serious crimes.

We have asked two groups to join us today. One is the Religious Coalition for Reproductive Choice. Leaders from that group will share with you the reaction of mainstream religion to this manual. The other is the Center for the Pro-Choice Majority, headed by Ann Baker. She has tracked anti-abortion extremists for the past decade and is a valuable resource on the details of their networking and conspiring to drive providers out of business.

DUPLICATE



TOWN of BROOKLINE
Massachusetts

00cv10317NG

DEPARTMENT OF POLICE
HOWARD A. BRACKETT
CHIEF OF POLICE

350 WASHINGTON STREET
BROOKLINE, MA 02147

TEL: 730-2249
FAX: 730-8454

January 23, 1995

Mr. Richard Seron
c/o Pre Term
1842 Beacon Street
Brookline, MA 02146


Dear Mr. Seron:

I want to thank and commend you for your action December 30, 1994 at the Pre Term Clinic. There is no doubt in my mind, or any of the investigating officers that your action provided the evidence that led to the arrest of John Salvi.

It is unfortunate that there was a homicide that day at Pre Term and one at Planned Parenthood, 1031 Beacon Street. As a result of your professionalism and bravery I am sure that further bloodshed was prevented. As soon as you were aware of the situation you responded and confronted Salvi in gunfire without regard to your own safety led to his arrest.

Your action momentarily confused Salvi and caused him to leave his bag behind him. The evidence recovered at the scene led to John Salvi. Please accept my personal thanks for your assistance, which was pivotal in the arrest of this extremely dangerous felon. I hope that things at the clinic remain quiet and that you recover from your wounds completely.

Very truly yours,


Howard A. Brackett
Chief of Police

HAB/kaf

Exhibit B

DUPLICATE

In the Year One Thousand Nine Hundred and Ninety-five

RESOLUTIONS HONORING RICHARD SERON, SECURITY GUARD AT PRETERM HEALTH SERVICES
IN BROOKLINE FOR HIS HEROIC ACTIONS ON DECEMBER THIRTIETH,
NINETEEN HUNDRED AND NINETY-FOUR.

00cy10317 NG

WHEREAS, RICHARD SERON OF QUINCY GRADUATED CUM LAUDE WITH A BACHELOR OF ARTS DEGREE FROM BOSTON COLLEGE IN NINETEEN HUNDRED AND SEVENTY-ONE AND CONTINUING HIS EDUCATION, RECEIVED A JURIS DOCTOR DEGREE IN NINETEEN HUNDRED AND SEVENTY-FOUR FROM BOSTON COLLEGE LAW SCHOOL; AND

WHEREAS, MR. SERON IS A HIGHLY SKILLED FIREARMS MARKSMAN AND A NATIONAL RIFLE ASSOCIATION CERTIFIED PERSONAL PROTECTION AND SAFETY INSTRUCTOR FOR PISTOL; AND

WHEREAS, AMONG OTHER CAREER EXPERIENCES, MR. SERON OPENED A BUSINESS, ARMED PERSONAL DEFENSE TRAINING, TEACHING DEFENSIVE PISTOL TECHNIQUES TO INDIVIDUALS LICENSED BY THE COMMONWEALTH OF MASSACHUSETTS TO CARRY FIREARMS; AND

WHEREAS, MR. SERON WAS HIRED BY PRETERM HEALTH SERVICES TO TEACH PRETERM'S DIRECTOR OF SECURITY DEFENSIVE FIREARM TECHNIQUES AND WAS THEN PERSUADED TO WORK THERE AS AN ARMED SECURITY OFFICER; AND

WHEREAS, ON DECEMBER THIRTIETH, NINETEEN HUNDRED AND NINETY-FOUR AN ALLEGED TERRORIST, JOHN SALVI, ALLEGEDLY LAUNCHED SURPRISE ATTACKS ON BOTH PLANNED PARENTHOOD AND PRETERM HEALTH SERVICES IN BROOKLINE, KILLING ONE PERSON AT PLANNED PARENTHOOD; AND

WHEREAS, THE ALLEGED MURDERER THEN DROVE TO 1842 BEACON STREET AND ALLEGEDLY ATTACKED PRETERM HEALTH SERVICES, KILLING THE RECEPTIONIST, LEANNE NICHOLS; AND

WHEREAS, RICHARD SERON THEN OPENED THE DOOR TO THE CRIME SCENE, SURPRISING THE TERRORIST, THUS PREVENTING THE DEATH OF PRETERM STAFFER, JANE SAUER, WHO WAS BEING SHOT BY THE TERRORIST; AND

WHEREAS, RICHARD SERON WAS SHOT AT LEAST FOUR TIMES IN THE ARMS AND HANDS BY THE TERRORIST, ALL THE WHILE RETURNING GUNFIRE TO FORCE THE TERRORIST TO FLEE THE BUILDING AND LEAVE BEHIND A LARGE BLACK BAG WHICH LED TO THE TERRORIST'S SUBSEQUENT IDENTIFICATION; AND

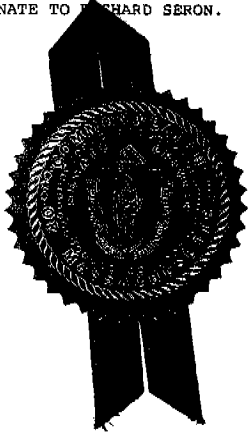
WHEREAS, DURING THE ENTIRE GUNFIGHT, THE MUZZLE OF THE TERRORIST'S SEMI-AUTOMATIC RIFLE WAS APPROXIMATELY SIXTY INCHES FROM SERON'S FACE; AND

WHEREAS, BY HIS ACT OF GALLANTRY, IN THE FACE OF SUPERIOR FIREPOWER AND WITH UTTER DISREGARD FOR HIS OWN LIFE, RICHARD SERON SAVED THE LIFE OF JANE SAUER AND AT LEAST EIGHT OTHER PEOPLE IN AN ADJACENT ROOM AND PREVENTED A MASSACRE OF HISTORIC PROPORTION; AND

WHEREAS, RICHARD SERON WAS COMMENDED BY THE BROOKLINE CHIEF OF POLICE WHO STATED IN A LETTER TO SERON "YOUR ACTION PROVIDED THE EVIDENCE THAT LED TO THE ARREST OF JOHN SALVI...AS A RESULT OF YOUR PROFESSIONALISM AND BRAVERY...FURTHER BLOODSHED WAS PREVENTED. AS SOON AS YOU WERE AWARE OF THE SITUATION YOU RESPONDED AND CONFRONTED SALVI IN THE GUNFIRE WITHOUT REGARD TO YOUR OWN SAFETY"; NOW THEREFORE BE IT

RESOLVED, THAT THE MASSACHUSETTS SENATE COMMENDS RICHARD SERON FOR HIS OUTSTANDING BRAVERY AND HEROISM ON DECEMBER THIRTIETH, NINETEEN HUNDRED AND NINETY-FOUR AT THE PRETERM HEALTH SERVICES IN BROOKLINE; AND BE IT FURTHER

RESOLVED, THAT A COPY OF THESE RESOLUTIONS BE TRANSMITTED FORTHWITH BY THE CLERK OF THE SENATE TO RICHARD SERON.



SENATE, ADOPTED, JUNE 15, 1995.

William D. Barlow
PRESIDENT OF THE SENATE

Edward B. O'Neill
CLERK OF THE SENATE

OFFERED BY:

Jois G. Pines
SENATOR JOIS G. PINES

Michael W. Morrissey
SENATOR MICHAEL W. MORRISSEY

Exhibit C

RICHARD J. SERON
15 Ferriter Street
Quincy, MA 02169
(617) 472-8751

May 8, 1995

Ms. Gina Shaw,
Media Relations Coordinator
National Abortion Federation
1436 U Street N.W. - Suite 103
Washington, DC 20009

00cv10317 NG

Dear Ms. Shaw:

By this letter, I stake my claim for the \$100,000.00 reward for information leading to the arrest and conviction of abortion clinic terrorists. I understand that the reward is being co-sponsored by the Planned Parenthood Federation of America, Inc.; therefore, I am sending a parallel application to Mrs. Ann Glazier, Director of Clinic Defense of the P.P.F.A.

I assert that my defensive action as Security Guard at the Preterm, Inc. Clinic in Brookline, MA on Friday, December 30, 1994 effected the capture from suspect John Salvi of critical material and documentary evidence which led to his early identification, apprehension, and will be a great asset in his ultimate conviction. My action on December 30, which jeopardized my own life and led to my injury by gunshot wounds, is officially credited with saving numerous other lives as well as helping to provide vital evidence in the case. My claim for the reward is the one true and legitimate claim against all the world and I request that the P.P.F.A. and the N.A.F. jointly make public declaration to that effect and proceed to pay me the sum of the reward with all due speed.

In support of my claim, I will forward documentary evidence at a later date to both the P.P.F.A. and the N.A.F. which shall consist of hard copies of: a letter of recommendation from Chief Brackett of the Brookline, MA Police Department, articles in Time Magazine, The New York Times, The Boston Herald, The Boston Globe, The Patriot Ledger, The Brookline Gazette, as well as videotape footage from Primetime Live, The Today Show, At Issue with Jeannine Graf, New England Cable News, and sundry local news reports from channels 7 and 5, etc.

I am being legally represented by Attorney Stephen Carter of Dedham, MA, who shall contact both the P.P.F.A. and the N.A.F. in a separate letter.

Exhibit D


Mrs. Gina Shaw,
Media Relations Coordinator
National Abortion Federation

Page 2 of 2
5/8/95

I would like to salute both the Planned Parenthood Federation of America, Inc. and the National Abortion Federation for their public spirit in offering a reward which is a step in the direction of combatting domestic terrorism in the medical field.

Thank you.

Sincerely,


Richard J. Seron

RICHARD J. SERON
15 Ferriter Street
Quincy, MA 02169
(617) 472-8751

May 8, 1995

00cv10317 NG

Mrs. Ann Glazier,
Director of Clinic Defense
Planned Parenthood Federation of America, Inc.
810 Seventh Avenue
New York, NY 10019

Dear Mrs. Glazier:

By this letter, I stake my claim for the \$100,000.00 reward for information leading to the arrest and conviction of abortion clinic terrorists. I understand that the reward is being co-sponsored by the National Abortion Federation; therefore, I am sending a parallel application to Ms. Gina Shaw, Media Relations Coordinator of the N.A.F.

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I am being legally represented by Attorney Stephen Carter of Dedham, MA, who shall contact both the P.P.F.A. and the N.A.F. in a separate letter.

Exhibit E

Mrs. Ann Glazier,
Director of Clinic Defense
Planned Parenthood Federation of America, Inc.

Page 2 of 2
5/8/95

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Thank you.

Sincerely,

Richard J. Seron



Planned Parenthood®
Federation of America, Inc.

DUPLICATE

April 21, 1996

Mr. Stephen W. Carter
Carter Law Office
601 High Street
Suite 301
Dedham, MA 02026

00cv10317 NG

Dear Mr. Carter:

I am in receipt of your material regarding Richard Seron. We've had several inquiries about the reward fund. We are processing those inquiries and I will be in touch with you soon.

Sincerely,

A handwritten signature in cursive script that reads "Ann Glazier".

Ann Glazier
Director
Clinic Defense & Research

cc: Vicki Saporta, National Abortion Federation
Roger Evans, PPFA

Exhibit F

MINGACE & HEINEMAN

Attorneys at Law

JONATHAN MAYNARD BUILDING
14 VERNON STREET - SUITE 204
FRAMINGHAM, MASSACHUSETTS 01701

CHRISTOPHER H. MINGACE
MICHAEL J. HEINEMAN

TELEPHONE (508) 626-8500
FAX (508) 626-8174

October 29, 1996

00cv10317 NG

Vicki Saporta
National Abortion Federation
1436 U Street, N.W., Suite 103
Washington, D.C. 20009

RE: Richard Seron

Dear Ms. Saporta:

Please be advised that this office now represents Richard Seron. Attorney Carter is no longer representing this claimant.

In reviewing the file I note that your organization has been "processing" the claims to the reward since at least April, 1996. It seems that adequate time has passed for you to render your decision. If your decision has been reached and is adverse to Mr. Seron, kindly notify me immediately so that litigation may be commenced. If you have not yet reached a decision, kindly advise me in writing of the information which you lack.

Please feel free to call me with any questions. A reply within two weeks is requested.

Very truly yours,

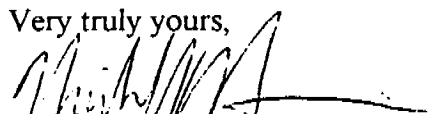

Michael J. Heineman
MJH/wah

Exhibit 6

MINGACE & HEINEMAN

Attorneys at Law

JONATHAN MAYNARD BUILDING
14 VERNON STREET - SUITE 204
FRAMINGHAM, MASSACHUSETTS 01701

CHRISTOPHER H. MINGACE
MICHAEL J. HEINEMAN

TELEPHONE (508) 626-8500
FAX (508) 626-8174

October 29, 1996

00cv10317 NG

Ann Glazier
Planned Parenthood Federation of America
810 Seventh Avenue
New York, NY 10019

RE: Richard Seron

Dear Ms. Glazier:

Please be advised that this office now represents Richard Seron. Attorney Carter is not longer representing this claimant.

In reviewing the file I note that your organization has been "processing" the claims to the reward since at least April, 1996 as indicated by your letter of April 21, 1996 to Mr. Carter. It seems that adequate time has passed for you to render your decision. If your decision has been reached and is adverse to Mr. Seron, kindly notify me immediately so that litigation may be commenced. If you have not yet reached a decision, kindly advise me in writing of the information which you lack.

Please feel free to call me with any questions. A reply within two weeks is requested.

Very truly yours,



Michael J. Heineman
MJH/wah

Exhibit H

JAMES BOPP, JR.¹

Senior Associates

RICHARD E. COLESON
BARRY A. BOSTROM

Associates

HEIDI K. MEYER²
JAMES R. MASON, III³
RAEANNA S. MOORE
ERIC C. BOHNET⁴
B. CHAD BUNGARD⁵

Of Counsel

THOMAS J. MARZEN⁶
PAUL R. SCHOLLE

BOPP, COLESON & BOSTROM

ATTORNEYS AT LAW

(not a partnership)

1 South 6th Street

TERRE HAUTE, INDIANA 47807-3510

Telephone 812/232-2434 Facsimile 812/235-3685

E-mail jboppjr@abcs.com

JAMES BOPP, JR.

Of Counsel

WEBSTER, CHAMBERLAIN & BEAN

SUITE 1000

1747 PENNSYLVANIA AVE., N.W.
WASHINGTON, DC 20006

TELEPHONE 202/785-9500

FACSIMILE 202/835-0243

00cv10317 NG

December 30, 1999

¹admitted in Ind. only

²admitted in Ind., Fla., & District of Columbia

³admitted in Ore. only

⁴admitted in Tex. only

⁵admitted in Va. only

⁶admitted in Ill. only

Planned Parenthood Federation of
America, Inc.
c/o CT Corporation System
2 Oliver Street
Boston, MA 02109

Re: Richard J. Seron

National Abortion Federation
c/o Elizabeth L. Fountain
1090 Vermont Avenue, N.W.
Washington, DC 20005

Dear Sir or Madam:

Please be advised that this firm represents Richard J. Seron in regard to his claim for the \$100,000.00 reward publicized in a News Release by the National Abortion Federation in the fall of 1994. A copy of the News Release is attached hereto and marked "**Exhibit A.**" Mr. Seron deserves this reward because he was instrumental in providing information leading to the arrest and conviction of John C. Salvi III, who was responsible for the murder of Leanne Nichols at Preterm Health Services in Brookline, Massachusetts on December 30, 1994. Mr. Seron notified you of his claim in May of 1995, and October of 1996, but never received a determination. This is your thirty (30) day notice of his claim for willful and knowing violation of the Massachusetts unfair and deceptive practices law, for damages in the sum of \$300,000.00, plus prejudgment interest, postjudgment interest, consequential damages, and reasonable attorney fees and costs.

At the time of the attack, Mr. Seron was an employee of Preterm Health Services, 1842 Beacon Street, Brookline, Massachusetts, a family planning clinic and abortion provider. His duties were split as a part-time facilities worker and a part-time security guard. On December 30, 1994, he was working as a facilities worker, stocking and checking supplies in the storage room, when John C. Salvi III entered Preterm Health Services and

Exhibit I

Planned Parenthood Federation of America, Inc.
National Abortion Federation
December 30, 1999
Page 2

launched an armed attack with a high capacity assault weapon, killing one clinic employee and wounding another.

Although he had been instructed by his employer not to fire his weapon, except in self-defense, Mr. Seron opened the storage room door and engaged in a shoot out with Salvi at close range, approximately five feet between them. This exchange of gun fire resulted in Salvi fleeing the building leaving behind his athletic bag containing hundreds of rounds of reserve ammunition, a Ruger pistol, and certain crucial gun store receipts. During the shoot out Mr. Seron suffered four gunshot wounds to his arms and left hand resulting in serious injuries, with many of Salvi's shots narrowly missing him.

By his act of gallantry, in the face of superior firepower and with utter disregard for his own life, Mr. Seron saved the life of Jane Sauer who was being shot at the time he opened the storage room door, and saved the lives of at least eight other people in an adjacent room, preventing a health facility massacre of historic proportion.

Based on the information and evidence provided by Mr. Seron from Salvi's abandoned bag, law enforcement authorities traced the serial number on the pistol and the gun store receipts that led to the speedy identification and arrest of the assailant, John C. Salvi III. Mr. Seron received private and public recognition for stemming the loss of life during the attack and for capturing physical evidence that led to Salvi's swift identification, arrest and conviction for these crimes. Copies of written recognition received by Plaintiff are attached hereto and marked **Exhibits B and C.**

In 1996, Mr. Seron served as a key witness for the prosecution in the trial of Salvi that resulted in conviction on two counts of first degree murder, five counts of attempted murder, and a host of lesser charges. Salvi was sentenced to two consecutive life sentences without parole for first degree murder and five consecutive four year sentences for attempted murder.

Due to the traumatic nature of this incident, and his physical injuries, Mr. Seron has a permanent total disability, diagnosed as post-traumatic stress disorder and clinical depression, is now unable to work, and receives Social Security disability income.

Mr. Seron notified you of his claim for the \$100,000.00 reward in letters addressed to each of you dated May 8, 1995. Copies of his letters are attached hereto and marked **Exhibits D and E.** He received no response until he received a letter from

Planned Parenthood Federation of America, Inc.
National Abortion Federation
December 30, 1999
Page 3

Planned Parenthood, dated April 21, 1996, informing him that his inquiry was being processed. A copy is attached hereto and marked **Exhibit F**. After another six months had passed, his attorney wrote to you again on October 29, 1996, requesting a response within two weeks. Copies are attached hereto and marked **Exhibits G and H**. To date you have ignored his notices of claim and refused and failed to give him a determination.

The National Abortion Federation purported to act seriously in publishing the notice of reward in a widely circulated News Release and therefore such publication constitutes a unilateral contract, which was never cancelled. Mr. Seron's actions leading to the identification, arrest and conviction of Salvi constitute a performance and acceptance of the unilateral contract. His acts clearly provided "information leading to the arrest and conviction of [a] person responsible for murder . . . at abortion and family planning clinics." Thus, your failure to acknowledge his performance of the contract and lawful claim of the reward constitutes a breach of contract under Massachusetts law. He hereby requests specific performance of the contract and damages for its breach.

Your advertising of a \$100,000.00 reward as part of your ordinary course of business, trade or commerce, and refusal to honor a legitimate claim, constitutes an unfair and deceptive practice pursuant to Massachusetts law, G.L.c. 93A, §§ 2 and 9. Since Plaintiff's actions were widely reported in the media, and since he received public commendations, all of which you were advised of in his notice of claim letters, your refusal to grant his claim constitutes bad faith and a willful and knowing violation of the law. Due to your actions, Mr. Seron has suffered the injury of not receiving the \$100,000.00 award due him, while being disabled as a result of his injuries, thus resulting in financial deprivation and consequential damages.

In a good faith effort to reach a settlement prior to filing suit, Mr. Seron hereby demands the sum of \$100,000.00, plus interest from the date of his first demand, May 8, 1995, in the sum of twelve percent per annum, or \$55,000.00, for a grand total of \$155,000.00. Please respond within thirty (30) days.

Pursuant to law, and more than thirty days before filing suit, Mr. Seron is now giving final notice to you of his written demand for relief, identifying himself and describing your unfair and deceptive practices, the injury suffered, and enclosing herewith a copy of the proposed complaint. If you in bad faith fail to provide a reasonable response to this demand within thirty (30) days, Mr. Seron will file his Complaint demanding judgment against each of you, jointly and severally, in the sum

Planned Parenthood Federation of America, Inc.
National Abortion Federation
December 30, 1999
Page 4

of \$300,000.00, plus prejudgment interest, postjudgment interest,
consequential damages, a reasonable attorney fee, and costs.

Sincerely,

BOPP, COLESON & BOSTROM


Barry A. Bostrom

enc.

Z 086 126 600

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to PLANNED PARENTHOOD FED. OF AMERICA, INC.	
Street & Number 810 7TH AVE.	
Post Office, State, & ZIP Code NEW YORK, NY 10019	
Postage	\$.99
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	1.25
TOTAL Postage & Fees	\$ 3.64
Postmark or Date la	

PS Form 3800, April 1995

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

PLANNED PARENTHOOD FEDERATION OF AMERICA, INC.
810 SEVENTH AVENUE
NEW YORK, NY 10019

4a. Article Number

Z 086 126 600

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X J. Parkes

PS Form 3811, December 1994

102595-98-B-0229

Domestic Return Receipt

Z 086 126 602

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to PLANNED PARENTHOOD FED. OF AMERICA, INC.	
Street & Number 2 OLIVER STREET	
Post Office, State, & ZIP Code BOSTON, MA 02109	
Postage	\$.99
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	1.25
TOTAL Postage & Fees	\$ 3.64
Postmark or Date la	

PS Form 3800, April 1995

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
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- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

PLANNED PARENTHOOD FEDERATION OF AMERICA, INC.
c/o CT CORPORATION SYSTEM
2 OLIVER STREET
BOSTON, MA 02109

4a. Article Number

Z 086 126 602

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)

5. Received By: (Print Name)

M-Z. INNISS

6. Signature: (Addressee or Agent)

X M-Z. INNISS

PS Form 3811, December 1994

102595-98-B-0229

Domestic Return Receipt

Thank you for using Return Receipt Service.

Z 086 126 606

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to <i>National Abortion Fed.</i>	
Street & Number <i>1755 Mass. Ave NW</i>	
Post Office, State, & ZIP Code <i>Washington DC 20036</i>	
Postage	<i>\$.99</i>
Certified Fee	<i>1.40</i>
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	<i>1.25</i>
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	<i>\$ 3.64</i>
Postmark or Date	<i>la</i>

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
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- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

National Abortion Fed.
1755 Massachusetts Ave NW
Suite 600
Washington, DC 20036

4a. Article Number

Z 086 126 606

4b. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Registered | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Insured |
| <input checked="" type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD |

7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

x Jane Porcher.

PS Form 3811, December 1994

102595-98-B-0229

Domestic Return Receipt

PS Form 3800, April 1995

FOLEY, HOAG & ELIOT LLP

ONE POST OFFICE SQUARE
BOSTON, MASSACHUSETTS 02109-2170

John H. Henn
(617) 832-1130
jhenn@fhe.com

TELEPHONE 617-832-1000
FACSIMILE 617-832-7000
<http://www.fhe.com>

1747 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20036
TEL: 202-223-1200
FAX: 202-785-6687

BY FAX (812-235-3685) and First Class Mail

January 28, 2000

Barry A. Bostrom, Esq.
Bopp, Coleson & Bostrum
1 South 6th Street
Terre Haute, Indiana 47807-3510

00cv10317 NG

Re: Mass. Gen. Laws, c. 93A: Claim of Richard J. Seron
Response to your demand letter of December 30, 1999

Dear Mr. Bostrom:

This firm represents Planned Parenthood Federation of America, Inc. ("PPFA"). PPFA has received your letter dated December 30, 1999 purporting to demand relief under "the Massachusetts unfair and deceptive practices law" -- which presumably refers to Massachusetts General Laws, Chapter 93A ("ch. 93A") -- on behalf of Richard J. Seron. Your letter claims that PPFA has breached a unilateral contract in failing to honor Mr. Seron's claim for a reward for actions he took at Preterm Health Services in Brookline, MA on December 30, 1994.

You state that in the fall of 1994 the National Abortion Federation ("NAF") "publicized" a reward, and refer to Exhibit A to your letter, which purports to be a NAF "News Release" that does not itself offer a reward but that mentions the existence of an otherwise unidentified offer of a reward. The reward is specifically described in the "News Release" as a reward "for information leading to the arrest and conviction of any person responsible for murder ... at abortion and family planning clinics" (emphasis added). You state in your letter that Mr. Seron's actions leading to the "arrest and conviction of [John] Salvi" (emphasis added) constitute performance and acceptance of the alleged unilateral reward offer. The relief demanded is payment of \$155,000. This response is submitted to your letter (hereinafter "letter") pursuant to ch. 93A, § 9(3), and constitutes a privileged settlement response.

As we explain hereafter, there are numerous deficiencies in the letter which make it both inappropriate and impossible at this time to respond with any monetary offer. However, to the extent that your letter could be read implicitly to allege that PPFA has committed unfair and deceptive acts and practices in the conduct of its trade and commerce declared unlawful by Section 2 of ch. 93A, PPFA absolutely denies that it has committed any such unfair acts or practices actionable under Section 2, much less any willful or knowing violation thereof.

Exhibit J

Barry Bostrom, Esq.
January 28, 2000
Page 2

The information contained in your letter, despite its recitation of Mr. Seron's most commendable performance of his duties, does not provide any basis for PPFA to conclude, either factually or legally, that it could have engaged in any acts or practices that might have violated Section 2, much less to formulate any offer of settlement. The purpose of a demand letter under ch. 93A is precisely to communicate such information. *See, e.g., Spring v. Geriatric Authy*, 394 Mass. 274 (1985); *Entrialgo v. Twin City Dodge, Inc.*, 368 Mass. 812 (1975); *Logan v. Arbella Mut. Ins. Co.*, No. Civ. A. 97-2387B, 1998 WL 324204 (Mass. Superior, June 15, 1998). Without limiting the deficiencies to which PPFA can point, we note the following:

1. Your letter provides no basis for concluding that PPFA has any responsibility or liability for the reward referred to in your letter (i.e., that which is simply mentioned in the NAF "News Release").

2. In Massachusetts, it has been the law for more than 150 years that an employee's performance of actions that are within the duties of his employment does not entitle him or her to a contract claim for a reward. *Poole v. The City of Boston*, 5 Cush. (59 Mass.) 219, 220-21 (1849). *Accord Kaplan v. Suher*, 254 Mass. 180, 184 (1926). The fact that Mr. Seron's duties "were split" between security guard work and other work does not mean that his actions *vis a vis* John Salvi were in any capacity other than as an armed security guard who engaged in the highly publicized "shoot out" with Salvi that apparently drove Salvi away and contributed to his later arrest. Please note that PPFA relies on this rule of Massachusetts law not from any lack of admiration for Mr. Seron's commendable actions, but from a recognition that the rule reflects Massachusetts public policy that reward offers are not intended to induce people such as security guards to perform the duties of their job, but to induce people to act who otherwise would not do so but for the reward.

3. In Massachusetts, it has also been the law that the death of the accused pending appeal from a judgment of conviction vacates the judgment *ab initio*. *E.g. Commonwealth v. De La Zerdo*, 416 Mass. 247 (1993). That is precisely what happened in the case of Salvi, whose counsel filed a motion to vacate, which was granted under well-established law. Consequently, there was no "conviction" and the conditions to reward described in your letter were not met. I am sure you will understand that the effective "erasure" of Salvi's conviction was not welcomed by PPFA, much less the clinics where the murders took place, but the Massachusetts rule is long established, and consistent with comparable rules in most if not all of the other states.

4. Your letter fails to suggest any reason for PPFA to believe that the claim you assert would not now be barred by the applicable statute of limitations. *See* Mass. Gen. Laws, ch. 260, §5A (four-year statute of limitations).

5. Your letter also fails to provide any basis for PPFA to conclude that Mr. Seron's claim against it can satisfy the "trade or commerce" condition precedent for liability under ch.

Barry Bostrom, Esq.
January 28, 2000
Page 3

93A that is set forth in Section 2 thereof. Planned Parenthood Federation of America, Inc. v. Problem Pregnancy of Worcester, Inc., 398 Mass. 480, 490-94 (1986).

In sum, PPFA reasonably and in good faith: does not believe it has committed any violation of Section 2; considers your letter to be inadequate to permit consideration of any monetary settlement response; cannot bear any responsibility for the acts attributed in your letter to others; and, in any event, has numerous valid defenses to any liability under ch. 93A. Accordingly, it is not reasonable under Section 9 or otherwise to expect PPFA to make any monetary offer to your client in response to your letter. PPFA is, of course, willing to consider any further information you may wish to supply, including specifically but not exclusively the information identified in this letter, and to review its own position in light of that information.

Yours sincerely,

John H. Henn



JHH/dd

NATIONAL
ABORTION
FEDERATION

BY FAX (812) 235-3685 and First Class Mail

February 14, 2000

Barry A. Bostrom, Esq.
Bopp, Coleson & Bostrum
1 South 6th Street
Terre Haute, Indiana 47807-3510

00CV10317 NG

**RE: Mass. Gen. Laws, c. 93A: Claim of Richard J. Seron
Response to your demand letter postmarked January 13, 2000**

Dear Mr. Bostrom:

The National Abortion Federation (NAF) has received your letter postmarked January 13, 2000 purporting to demand relief under "the Massachusetts unfair and deceptive practices law" – which presumably refers to Massachusetts General Laws, Chapter 93 A ("ch. 93A") – on behalf of Richard J. Seron. Your letter claims that NAF has breached a unilateral contract in failing to honor Mr. Seron's claim for a reward for actions he took at Preterm Health Services in Brookline, MA on December 30, 1994.

You state that in the fall of 1994 NAF "publicized" a reward, and refer to Exhibit A to your letter, which purports to be a NAF "News Release" that does not itself offer a reward but that mentions the existence of an otherwise unidentified offer of a reward. The reward is specifically described in the "News Release" as a reward "for information leading to the arrest and conviction of any person responsible for murder...at abortion and family planning clinics" (emphasis added). You state in your letter that Mr. Seron's actions leading to the "arrest and conviction of [John] Salvi" (emphasis added) constitute performance and acceptance of the alleged unilateral reward offer. The relief demanded is payment of \$155,000. This response is submitted to your letter (hereinafter "letter") pursuant to ch. 93A, § 9(3) and constitutes a privileged settlement response.

As we explain hereafter, there are numerous deficiencies in the letter which make it both inappropriate and impossible at this time to respond with any monetary offer. However, to the extent that your letter could be read implicitly to allege that NAF has committed unfair and deceptive acts and practices in the conduct of its trade and commerce declared unlawful by Section 2 of ch. 93A, NAF absolutely denies that it has committed any such unfair acts or practices actionable under Section 2, much less any willful or knowing violation thereof.

Executive Director: Vicki A. Saporito President: Suzanne T. Poppema, M.D. President-Elect: Maureen Paul, M.D., M.P.H.

Board Members: Vicki Brembart, M.S.W. Julie Burton Maria Corallo Jerry Edwards, M.D. Lucinda M. Finley, Esq. Dian J. Harrison, M.S.W. Carole Jaffe, Ph.D. Herb Jones, M.D. E. Steve Uchlenborg, M.D., M.P.H. Beth Peltz, R.N. Joel Rasmussen Mona Rok Pablo Rodriguez, M.D. Eric Schaff, M.D. Bernard Smith, M.D. Cynthia Waters Spaulding Tina Welsh

Exhibit X

February 14, 2000

The information contained in your letter, despite its recitation of Mr. Seron's most commendable performance of his duties, does not provide any basis for NAF to conclude, either factually or legally, that it could have engaged in any acts or practices that might have violated Section 2, much less to formulate any offer of settlement. The purpose of a demand letter under ch. 93A is precisely to communicate such information. *See, e.g., Spring v. Geriatric Auth.*, 394 Mass. 274 (1985); *Entrialgo v. Twin City Dodge, Inc.*, 368 Mass. 812 (1975); *Logan v. Arbella Mut. Ins. Co.*, No. Civ. A. 97-2387B, 1998 WL 324204 (Mass. Superior, June 15, 1998). Without limiting the deficiencies to which NAF can point, we note the following:

1. Your letter provides no basis for concluding that NAF has any responsibility or liability for the reward referred to in your letter (i.e., that which is simply mentioned in the NAF "News Release").
2. In Massachusetts, it has been the law for more than 150 years that an employee's performance of actions that are within the duties of his employment does not entitle him or her to a contract claim for a reward. *Poole v. The City of Boston*, 5 Cush. (59 Mass.) 219, 220-21 (1849). *Accord Kaplan v. Suher*, 254 Mass. 180, 184 (1926). The fact that Mr. Seron's duties "were split" between security guard work and other work does not mean that his actions *vis a vis* John Salvi were in any capacity other than as an armed security guard who engaged in the highly publicized "shoot out" with Salvi that apparently drove Salvi away and contributed to his later arrest. Please note that NAF relies on this rule of Massachusetts law not from any lack of admiration for Mr. Seron's commendable actions, but from a recognition that the rule reflects Massachusetts public policy that reward offers are not intended to induce people such as security guards to perform the duties of their job, but to induce people to act who otherwise would not do so but for the reward.
3. In Massachusetts, it has also been the law that the death of the accused pending appeal from a judgment of conviction vacates the judgment *ab initio*. *E.g. Commonwealth v. De La Zerdo*, 416 Mass. 247 (1993). That is precisely what happened in the case of Salvi, whose counsel filed a motion to vacate, which was granted under well-established law. Consequently, there was no "conviction" and the conditions to reward described in your letter were not met. I am sure you will understand that the effective "erasure" of Salvi's conviction was not welcomed by NAF, much less the clinics where the murders took place, but the Massachusetts rule is long established, and consistent with comparable rules in most if not all of the other states.
4. Your letter fails to suggest any reason for NAF to believe that the claim you assert would not now be barred by the applicable statute of limitations. *See Mass. Gen. Laws, ch. 260, §5A* (four-year statute of limitations).

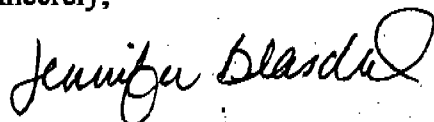
Page 3

February 14, 2000

5. Your letter also fails to provide any basis for NAF to conclude that Mr. Seron's claim against it can satisfy the "trade or commerce" condition precedent for liability under ch. 93A that is set forth in Section 2 thereof. Planned Parenthood Federation of America, Inc. v. Problem Pregnancy of Worcester, Inc., 398 Mass. 480, 490-94 (1986).

In sum, NAF reasonably and in good faith: does not believe it has committed any violation of Section 2; considers your letter to be inadequate to permit consideration of any monetary settlement response; cannot bear any responsibility for the acts attributed in your letter to others; and, in any event, has numerous valid defenses to any liability under ch. 93A. Accordingly, it is not reasonable under Section 9 or otherwise to expect NAF to make any monetary offer to your client in response to your letter. NAF is, of course, willing to consider any further information you may wish to supply, including specifically but not exclusively the information identified in this letter, and to review its own position in light of that information.

Sincerely,



Jennifer Blasdel, Esq.
Staff Attorney