

Hearsay

The paper chase

For the second time in less than a month — and the seemingly umpteenth time over the past few years — the law firm of Todd & Weld has served the Boston Herald with an explosive defamation lawsuit.

This time, **David H. Rich** asserts in a March 31 complaint that the tabloid and Herald scribe Jessica Van Sack falsely reported that Joanna Marinova had been unceremoniously booted from a Bridgewater prison visit after engaging in “sexual acts” with inmate Darrell Jones. The piece was picked up by national media outlets including Fox News and The Associated Press.

Rich — who was part of the Boston legal team that brought home a \$2.1 million verdict in 2005 against the Herald on behalf of Superior Court Judge **Ernest B. Murphy** — claims the newspaper’s May 28, 2009, story intended to sensationalize a visit Rep. Gloria Fox had made to the Old Colony prison in Bridgewater to investigate alleged incidents of inmate abuse. In doing so, Rich says, the Herald falsely reported that prison-rights advocate Marinova had been earlier “bagged” for engaging in ‘sexual acts’ with [a] killer con,” in the prison’s visitor room.

“Marinova never engaged in ‘sexual acts’ with Mr. Jones, nor could she (or would she) have done so in this public space,” Rich writes in the complaint.

But in publishing the high-profile story aimed at discrediting Fox, Rich tells Lawyers



David H. Rich



Howard M. Cooper

Weekly, the Herald blatantly ignored readily available facts that would have demonstrated the falsity of its assertions.

All of the alleged acts, Rich says, were reported to have occurred in a guarded room during a November 2008 meeting between Marinova and Jones.

“For the stories to be true, this would have had to have happened in front of dozens of witnesses, on camera and in front of armed guards who were overseeing the visits,” he says. “Our position is that this physically could not have happened, and any sort of investigating by the Herald would have shown that.”

On top of that, Rich says, he believes the paper had in its possession, months before the story was published, disciplinary reports that proved the events never took place and

was aware that prison officials had dismissed the sexual allegations against Jones.

Herald spokeswoman Gwen Gigo confirmed that the newspaper is in receipt of the complaint but declined to comment on the matter.

The suit also names WHDH-TV, which aired a follow-up story that reported Marinova had “been caught having sex with the prisoner in a visitor’s area.”

Prior to the story being aired, the complaint says, WHDH reporter Byron Barnett went to Marinova’s home and told neighbors she “had been caught having sex with inmates.”

The station’s general manager could not be reached for comment prior to deadline.

The allegations against the Herald and WHDH were lodged in Suffolk Superior Court, which happens to be the same place Todd & Weld partner **Howard M. Cooper** named the Herald and Inside Track reporters Gayle Fee and Laura Raposa as defendants in a March 10 complaint.

In that case, the firm, which represents Boston band founder Tom Scholz, claims the newspaper defamed him by falsely suggesting that the ex-wife of former lead singer Brad Delp blamed Scholz for her former husband’s suicide.

Elizabeth A. Ritvo of Brown Rudnick in Boston, who has defended the newspaper in the past against Todd & Weld, did not return a call seeking comment.

“There is no question that we have had multiple interactions with the Herald over the past several years, only some of which rise to the level of a necessity of a lawsuit,” Rich says. “I guess there is some degree of coincidence in the timing of these last two.”