

THOMAS JOSEPH
P.O. BOX 2111
BRATTLEBORO, VERMONT 05303

November 14, 2014

Board of Professional Responsibility
10 Cadillac Drive, Suite 220
Brentwood, TN 37027

RE: Attorney Matthew M. Curley
Bass Berry & Sims PLC
150 Third Avenue South
Suite 2800
Nashville, TN 37201

RECEIVED
BRATTLEBORO, VT

NOV 14 2014

CLERK'S OFFICE
U.S. DISTRICT COURT

Counsel for Defendant, The Brattleboro Retreat in the matter of
United States ex. rel. Thomas Joseph v. The Brattleboro Retreat
United States District Court, District of Vermont, Case No: 2:13-cv-55wks

To Whom It May Concern:

I am enclosing a complete and signed Memorandum of Complaint to the Board of Professional Responsibility of The Supreme Court of Tennessee. I respectfully ask that a review be undertaken of the legal documents Mr. Matthew M. Curley has submitted as defense counsel for Defendant, The Brattleboro Retreat, as I believe they evidence purposeful deception and omission before a federal Court on behalf of his client, The Brattleboro Retreat.

NATURE OF COMPLAINT

As a former federal prosecutor, Mr. Curley is very much aware of the laws applicable to wartime. Indeed, in Mr. Curley's own year-end 2013 Healthcare and Fraud Review available on the Bass Berry & Sims website, he concedes having this knowledge by discussing the Wartime Suspension of Limitations Act (WSLA) which provides for the tolling of any statute of limitations during wartime for any fraud-related litigation involving any federal agency. Further, Mr. Curley and his firm admit that the WSLA may very well be heard before the United States Supreme Court in the future.

Despite having a clear understanding of the law during wartime, Mr. Curley filed misleading legal documents on behalf of his client, the Defendant, The Brattleboro Retreat, intended to deceive the Court of information within his personal knowledge and reach that pertain to fraud litigation and specifically, the statute of limitations during wartime. As a result of Mr. Curley's

purposeful efforts to argue for a shorter statute of limitations, despite his personal knowledge of the WSLA, the Court dismissed many patient examples as time barred when these patient examples provided the Court with a level of particularity that details a devious scheme to defraud the federal government that spanned no less than ten years. This was no oversight or human error, but a deliberate effort to circumvent justice, confuse the Court, and carve out an escape from liability for his client, The Brattleboro Retreat for its years of misconduct described in the Complaint.

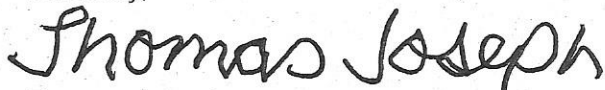
Additionally, in his pleadings before the Court, Mr. Curley deliberately misrepresented the facts as articulated in the Complaint to mislead the Court and ultimately a federal judge, the Honorable William K. Sessions, III. My attorneys highlighted this in our Opposition to the Brattleboro Retreat's Motion to Dismiss stating, "To paint the Complaint as overly vague, the Retreat's Motion flourishes discrete paragraphs in isolation, but does not provide the Court with the full context of these paragraphs."

Finally, it seems fitting that a high profile and historic psychiatric hospital here in Vermont would hire attorneys to continue their own deception before a federal court to avoid being held accountable under the law. I view Mr. Curley's conduct as well as his omissions before the Court to be very serious and would ask that all disciplinary measures including disbarment be considered.

Please feel welcome to contact me should you have any questions.

Thank you for your time and consideration.

Sincerely,



Thomas Joseph

cc: ✓ The Honorable William K. Sessions, III
United States District Court
District of Vermont
Hand Delivered to US District Court, Brattleboro, Vermont

Mr. Nikolas "Kolo" Kerest
Assistant United States Attorney
United States Department of Justice
Burlington, Vermont
Sent via e-mail