

## COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT

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 BOSTON POLICE COMMISSIONER  
DENNIS WHITE,

Plaintiff,

v.

CITY OF BOSTON AND  
ACTING MAYOR KIM JANEY,Defendants.
 

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E-FILED 5/19/2021

Civil Action No. 2184CV01138**AMENDED COMPLAINT AND JURY DEMAND**

1. Boston Police Commissioner Dennis White (“White”) brings this Complaint against the City of Boston and Acting Mayor Kim Janey (“Acting Mayor”) who unlawfully seek to remove him from his position as Boston Police Commissioner (“Commissioner”) in violation of his rights under law. Chapter 322, Section 7, of the Acts of 1962 (the “Removal Statute”) provides that the Mayor of Boston who seeks to remove the Commissioner must provide him due notice and a hearing and may only remove him for cause.<sup>1</sup> Commissioner White also has a constitutional due process right to a hearing.

2. The Acting Mayor now seeks to remove Commissioner White, but has not provided him the process that he is entitled to constitutionally or by statute, and she lacks cause to remove him. For these reasons, Commissioner White seeks a declaratory judgment to protect his rights and to enjoin his removal as Commissioner.

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<sup>1</sup> A copy of the Removal Statute is attached for the Court’s convenience.

3. Commissioner White was duly appointed Commissioner by Mayor Martin Walsh on February 1, 2021. He was placed on administrative leave two days later due to publicity surrounding a twenty-year old (false) allegation of domestic violence in order that the City could investigate the allegation. There was no basis for the investigation, as detailed in the accompanying motion for preliminary injunction and supporting memorandum and in the attached correspondence with the City dated February 25, 2021 (Exh. A), March 2, 2021 (Exh. B), March 11, 2021 (Exh. C), March 12, 2021 (Exh. D), March 19, 2021 (Exh. E), April 6, 2021 (Exh. F), and April 9, 2021 (Exh. G).

4. The City hired an outside investigator to conduct the investigation. The investigation was suspect in its purpose and in how it unfolded procedurally. On February 24, it was cancelled, but then on March 1 it was resumed. *See* March 12 letter (Exh D). No explanation was given. The investigation was biased. Clear evidence of that bias emerged during the investigation. The final report, which was delivered to Commissioner White on Friday, May 14, only four hours before a purported “hearing” to terminate him, is also based on hearsay. Accordingly, the result is utterly unreliable and inadmissible.

5. The delay in providing the investigator’s report to the Commissioner was unlawful and further evidence of a procedurally deficient process, which amounts to an ambush of Commissioner White. The report was provided to the City on or about Thursday, April 29, 2021. The report constitutes a personnel record on which the City is now relying to make its termination decision. *See* M.G.L. c. 149, sec. 52C. As a result, Commissioner White had a right to receive a copy within 5 business days. Despite his immediate and repeated written requests for a copy of the report, the Acting Mayor and

the City refused to provide it for more than two weeks. *See* emails to the City's Corporate Counsel (May 1, May 2, May 3, May 4, May 7, May 10 and May 12, 2021 (Exh. H).

6. On May 14, 2021, at approximately 10:00 a.m., Acting Mayor Janey called Commissioner White to notify him that she planned on terminating him and would hold a "hearing" that afternoon at 3:00 p.m.

7. The Acting Mayor's actions violate the Removal Statute and Commissioner White's constitutional due process rights. First, she has not provided due and meaningful notice. Second, the Statute does not permit her to hold a hearing as the presiding prosecutor, judge and jury. The Statute clearly contemplates and requires a judicial hearing that would provide independence and fairness. A hearing where the "judge" has made up her mind beforehand is no hearing. Third, he has a constitutional right to a hearing to protect his property and liberty interests which have been violated.

8. Finally, there is no cause. Commissioner White did nothing during his two days as active Commissioner to warrant his removal. The allegations by his ex-wife from twenty years ago, which were resolved in court in 1999 and known to the City and Boston Police Department throughout the following two decades as he was promoted multiple times, including to Commissioner, do not constitute cause to remove White.

9. The City and Acting Mayor Janey published the investigator's report to the public on May 14, and the media has reported on it extensively. The report alleges Commissioner White committed domestic violence more than 20 years ago, which Commissioner White vehemently denies. The report has caused Commissioner White

extraordinary reputational harm. He wants and is constitutionally entitled to an evidentiary hearing to clear his name.

#### Count 1 - Declaratory Judgment

Commissioner White seeks a declaratory judgment that (i) the City and Acting Mayor Janey have not satisfied the requirements of constitutional due process or the Removal Statute, Chapter 322, Section 7, of the Acts of 1962 and that the City and Acting Mayor Janey are not permitted to remove Commissioner White without providing him due notice and a judicial hearing to determine if there is cause to remove him; (ii) Commissioner White is entitled to a hearing that allows him to clear his name given the City and Acting Mayor Janey's publication of the investigator's report; and (iii) any such hearing must be evidentiary, with each party having the right to present and cross-examine witnesses.

#### Count 2 – Temporary and Permanent Injunction

Commissioner White seeks a temporary and permanent injunction to enjoin the the City and Acting Mayor Janey from removing him as Commissioner of the Boston Police Department unless and until (i) an evidentiary hearing is conducted with each party having the right to present and cross-examine witnesses and (ii) the City and Acting Mayor Janey establish “cause” for such removal.

WHEREFORE, Commissioner White requests that this Court:

- A. Find in his favor on Counts 1 and 2 of this Amended Complaint;
- B. Declare that (i) the City and Acting Mayor Janey have not satisfied the requirements of constitutional due process or the Removal Statute, and that the City and Acting Mayor Janey are not permitted to remove Commissioner

White without providing him due notice and a judicial hearing to determine if there is cause to remove him; (ii) Commissioner White is entitled to a hearing that allows him to clear his name given the City and Acting Mayor Janey's publication of the investigator's report; and (iii) any such hearing must be evidentiary, with each party having the right to present and cross-examine witnesses.

- C. Enjoin the City and Acting Mayor from removing Commissioner White as Commissioner of the Boston Police Department unless and until (i) an evidentiary hearing is conducted with each party having the right to present and cross-examine witnesses and (ii) the City and Acting Mayor Janey establish "cause" for such removal.

**DEMAND FOR JURY TRIAL**

Dennis White hereby demands a trial by jury on all claims so triable.

Respectfully submitted,

BOSTON POLICE COMMISSION DENNIS  
WHITE,

By his attorneys,



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Nicholas B. Carter (BBO No. 561147)

Tara D. Dunn (BBO No. 699329)

TODD & WELD, LLP

One Federal Street, 27<sup>th</sup> Floor

Boston, MA 02110

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Email: [ncarter@toddweld.com](mailto:ncarter@toddweld.com)

[tdunn@toddweld.com](mailto:tdunn@toddweld.com)

Dated: May 19, 2021

# EXHIBIT 1

**Chap. 320.** AN ACT RELATIVE TO THE TERM OF OFFICE OF THE MODERATOR OF THE TOWN OF FALMOUTH.

*Be it enacted, etc., as follows:*

Section 6 of chapter 349 of the acts of 1935 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — A moderator shall be elected by ballot at each annual town meeting for a term of one year, and shall serve as moderator of all town meetings, except as otherwise provided by law, until a successor is elected and qualified; provided, however, that if at any town meeting the town votes that the term of the moderator shall be three years, a moderator shall be elected at the next annual town meeting, and at each third annual town meeting thereafter, for a term of three years, such three year term to commence with the annual town meeting next following such election.

*Approved April 4, 1962.*

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**Chap. 321.** AN ACT PROVIDING FOR THE PAYMENT OF OVERTIME COMPENSATION OWED TO A POLICE OFFICER AT THE TIME OF HIS DEATH OR RETIREMENT.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 147 of the General Laws is hereby amended by inserting after section 17D, inserted by section 2 of chapter 246 of the acts of 1961, the following section: —

*Section 17E.* Whenever the employment of any police officer subject to section one hundred and eleven H of chapter forty-one or sections seventeen A, seventeen B, and seventeen C of this chapter is terminated during a year by dismissal through no fault or delinquency on his part or by resignation, retirement or death, without his having received the compensation to which he is entitled under such sections, he, or in case of his death, his estate, shall be paid the full amount of such compensation, provided that no monetary or other allowance has already been made therefor. The official head of the department in which the police officer was last employed shall enter on the departmental payroll all amounts payable under this section.

SECTION 2. Section 111 I of chapter 41 of the General Laws, as amended by section 3 of chapter 562 of the acts of 1954, is hereby further amended by inserting after the letter "F", in line 6, the words: — or section seventeen E of chapter one hundred and forty-seven.

*Approved April 4, 1962.*

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**Chap. 322.** AN ACT PROVIDING FOR THE APPOINTMENT BY THE MAYOR OF THE CITY OF BOSTON OF THE POLICE COMMISSIONER FOR SAID CITY.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 291 of the acts of 1906 is hereby amended by striking out sections 7, 8, 9, 10, 11, 12, 13 and 14, as amended, and inserting in place thereof the following sections: —

*Section 7.* There shall be in the city of Boston a department, known as the police department, which shall be under the charge of an officer,

known as the police commissioner, appointed by the mayor for a term of five years commencing on May first of the year in which he is appointed, except that any vacancy in said office shall be filled for the balance of the unexpired term. Such officer shall at the time of his appointment have had at least ten years' experience as a member of a federal, state or local police force or law enforcement agency. Notwithstanding the provisions of section fourteen of chapter four hundred and eighty-six of the acts of nineteen hundred and nine such officer may, after notice and hearing, be removed by the mayor of said city for cause. Such officer shall not engage in any other business, and shall receive an annual salary of fifteen thousand dollars or such other sum as may from time to time be fixed by the city council with the approval of the mayor.

*Section 8.* In case of the absence or disability of the police commissioner or of vacancy in his office without a temporary police commissioner having been appointed under section sixty-one A of chapter forty-one of the General Laws, the superintendent of police hereinafter provided for or, in case of his absence or disability or vacancy in his office, the next ranking officer of the police force or, where there are two such officers of equal rank, the senior officer in date of appointment, shall be acting police commissioner. An acting police commissioner shall receive no extra compensation for his services as such.

*Section 9.* The police commissioner shall appoint a secretary, who shall be exempt from the civil service laws and rules, shall be sworn to the faithful performance of his duties, shall serve at the pleasure of the police commissioner, and shall keep such records, issue such notices and attest such papers and orders as the police commissioner shall direct. Such secretary shall receive such annual salary as shall be fixed by the police commissioner with the approval of the mayor.

*Section 10.* The police commissioner shall have authority to appoint, establish and organize the police of said city, and shall appoint from said police, and as a part thereof, a superintendent of police, who shall receive such annual salary as shall from time to time be fixed by the police commissioner with the approval of the mayor.

The police commissioner shall appoint from said police and as a part thereof such number of deputy superintendents, captains and other officers as he may from time to time deem proper. The police commissioner with the approval of the mayor shall establish, and may from time to time revise, a compensation plan for the deputy superintendents, captains and other officers and members of said police, who shall be compensated in accordance therewith; provided, however, that a deputy superintendent shall not receive as an annual salary less than ninety-eight hundred and forty dollars, nor a captain less than eight thousand dollars, nor a lieutenant less than sixty-nine hundred and sixty dollars, nor a sergeant less than sixty-two hundred and eighty dollars, nor a patrolman after the second year of service less than fifty-five hundred dollars or in the second year of service less than five thousand and thirty dollars or in the first year of service less than forty-eight hundred and eighty dollars; and provided, further, that lieutenant detectives shall receive an annual salary three hundred dollars in excess of the annual salary of lieutenants, and sergeant detectives shall receive an annual salary three hundred dollars in excess of the annual salary of sergeants, and first grade detectives, second grade detectives and third grade detectives shall receive an annual salary five hundred



dollars, four hundred dollars and three hundred dollars, respectively, in excess of the maximum annual salary of patrolmen.

No person shall be appointed to said police unless at the time of his appointment he is, and for at least two years immediately prior thereto has been, a resident of said city, except that this requirement shall not apply to any appointment of a police commissioner. Women shall be eligible for appointment to said police in the discretion of the police commissioner; and a separate list of women shall be established by the division of civil service.

The civil service laws and rules shall not apply to the appointment of the superintendent of police or any deputy superintendent; nor shall said laws and rules apply to the removal of a superintendent of police or of a deputy superintendent if, upon such removal, he is transferred back to the rank held by him immediately prior to his appointment as superintendent of police or deputy superintendent.

*Section 11.* The police commissioner shall have cognizance and control of the government, administration, disposition and discipline of the department, and of the police force of the department and shall make all needful rules and regulations for the efficiency of said police; provided, however, that no such rule or regulation shall forbid any officer or member of said police from organizing or belonging to any organization composed solely of officers or members, or both, of said police and not affiliated with any outside organization other than the Massachusetts Police Association, and having among its objects the improvement of their conditions of employment, including leaves of absence, hours of labor and compensation. Officers and members of said police shall, whether on or off duty, be subject to the rules and regulations made under this section.

Any officer or member of said police shall have the right to petition the general court or the city council of said city and to appear before any committee thereof; provided, that this paragraph shall not authorize any officer or member to absent himself from duty without permission.

*Section 12.* The police commissioner shall from time to time appoint a trial board, consisting of three captains, to hear the evidence in such complaints against officers or members of said police as said commissioner may deem it advisable to refer to said board. Said board shall report its findings to said commissioner, who may review the same and take such action thereon as he may deem advisable.

*Section 13.* The police commissioner shall also have the powers and perform the duties from time to time conferred or imposed on him by statute. All licenses issued by said commissioner shall be signed by him and recorded in his office; and he may, in his discretion, at any time without a hearing and for any cause deemed satisfactory to him, suspend for such period as he may deem proper any license issued by him.

*Section 14.* The superintendent of police and the other officers and members of said police shall have the powers and perform the duties from time to time conferred or imposed upon the chief and other police officers of cities by section ninety-eight of chapter forty-one of the General Laws, except that they shall when on duty carry such weapons as the police commissioner shall determine. The superintendent of police and the other officers and members of said police shall also have the powers and perform the duties from time to time conferred or imposed on police

or police officers in this commonwealth by general laws applicable to Boston.

SECTION 2. All the powers and duties conferred or imposed upon the police commissioner of the city of Boston by statutory provisions in force immediately prior to the taking effect of this act, except the provisions, so in force, of sections seven to fourteen, inclusive, of chapter two hundred and ninety-one of the acts of nineteen hundred and six, are hereby conferred and imposed upon the police commissioner provided for by this act. All officers and members of the police of said city in office on the effective date of this act and all persons holding, on said date, by appointment of said police commissioner employment subject to the civil service laws and rules shall continue to hold their several offices or employment until their resignation, retirement or removal in accordance with law; and the rules and regulations of the police commissioner of said city in force immediately prior to the taking effect of this act shall continue in force until otherwise ordered by the police commissioner provided for by this act.

SECTION 2A. The office of police commissioner of the city of Boston as an office filled by appointment of the governor with the advice and consent of the council, as provided by section seven of chapter two hundred and ninety-one of the acts of nineteen hundred and six, as amended by section one of chapter three hundred and seventy-seven of the acts of nineteen hundred and thirty-eight, and as in effect immediately prior to the effective date of this act, shall be abolished, and the term of office of any incumbent thereof shall terminate upon the qualification of the police commissioner initially appointed by the mayor under the provisions of section seven of chapter two hundred and ninety-one of the acts of nineteen hundred and six, as amended by section one of this act; and upon such qualification such incumbent, or, if there be no incumbent, the acting police commissioner, shall forthwith deliver all books, records and papers in his custody to the police commissioner so appointed.

SECTION 3. This act shall take effect upon its passage.

*Approved April 5, 1962.*

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**Chap. 323.** AN ACT RELATIVE TO THE ISSUANCE OF BONDS OR NOTES BY THE CITY OF CHICOPEE FOR THE PURPOSE OF AIDING IN THE CONSTRUCTION AND WORK FOR THE IMPROVEMENT OF CERTAIN STREAMS.

*Be it enacted, etc., as follows:*

SECTION 1. The first sentence of section 1 of chapter 636 of the acts of 1960 is hereby amended by striking out, in line 9, the words "one year" and inserting in place thereof the words: — five years.

SECTION 2. The authorization of the issuance of bonds or notes by the city of Chicopee under chapter six hundred and thirty-six of the acts of nineteen hundred and sixty prior to the passage of this act shall be treated as having been made under said chapter six hundred and thirty-six, as amended by section one of this act. The note for two hundred fifty thousand dollars issued by the city of Chicopee on September fifth, nineteen hundred and sixty under said chapter six hundred and

# EXHIBIT

A



**Todd & Weld** LLP

Nicholas B. Carter  
E-mail: [ncarter@toddweld.com](mailto:ncarter@toddweld.com)

February 25, 2021

**VIA FIRST CLASS MAIL AND EMAIL**

Eugene O'Flaherty  
Corporation Counsel  
City of Boston  
1 City Hall Square, Room 615  
Boston, MA 02201

Dear Mr. O'Flaherty:

I write on behalf of Commissioner Dennis White, who has retained me and my law firm, Todd & Weld LLP. Commissioner White demands immediate reactivation as Commissioner of the Boston Police Department (BPD). He has been treated poorly and in a troublingly disparate manner when compared to his predecessors who were promoted to Commissioner based on their proven excellence, competence, professionalism and personal integrity.

The process has been grossly improper and unfair. The City deactivated him as Commissioner based on nothing other than a decades old, unsubstantiated allegation of domestic violence made by his then estranged wife, Sybil White, in the context of their divorce. Commissioner White vehemently denied the charge then, as he continues to do today. Their oldest daughter, Tiffany White, who was a teenager at the time and the best witness to their family dynamic, has stated publicly that the allegation is untrue, and that Commissioner White never used or threatened violence in the home. On the contrary, she says her mother, who is a powerful person (and a Boston police officer) was the aggressor in her parents' relationship. Further, Commissioner White has never otherwise been accused of domestic violence or violence or other inappropriate conduct toward women of any kind.

As the City should know, false allegations are common in divorce proceedings to spite the partner or to extract a financial advantage. That is what happened here. Ms. White made the allegation and obtained a civil restraining order against Commissioner White after he told her he was filing for a divorce. She then was able to force him to be separated from his children and to leave his house – they were keeping separate homes in the same multi-family house at the time. But she reversed course and withdrew the restraining order early for financial gain so that Commissioner White could work overtime to provide her additional support. Ms. White's already questionable allegation should have lost any weight whatsoever given her ready willingness to abandon the restraining order for financial gain.

There is no basis not to reactivate Commissioner White immediately. Yet, the City now has launched a full-blown investigation into him without basis. No other Commissioner has been treated this way. There is no ground to treat Commissioner White this way. The City has been aware of Ms. White's allegation since it was made in 1999. During the last 22 years, Commissioner White has been promoted 5 times, joining the Command Staff in 2014 and



ultimately being elevated to Superintendent Chief of Staff in 2018 – the third highest ranking officer at the BPD. Each of these Command Staff promotions were during Mayor’s Walsh’s tenure and with his approval. Commissioner White has served with excellence and without incident.

If the City does not immediately reinstate Commissioner White, the City will further demonstrate its willingness to destroy the reputation of an honorable, decent and highly accomplished public servant. A senior white male officer of Commissioner White’s standing and service would never be treated with such a complete lack of respect. This improper treatment has not been lost on other Black leaders in the City. The National Organization of Black Law Enforcement Executives (NOBLE), including Suffolk County District Attorney Rachel Rollins, Suffolk County Sheriff Steven Tompkins, and former BPD Commissioner William Gross, have called for Commissioner White’s immediate reinstatement. NAACP Executive Director Tanisha Sullivan, who serves with Commissioner White on Boston’s Police Reform Task Force, has praised his voice in calling for reform at the BPD and has also called for his reinstatement.

Please let us know if the City will immediately reinstate Commissioner White, without further delay.

Very truly yours,

Nicholas B. Carter

NBC/adc

**EXHIBIT**

**B**



March 2, 2021

**VIA FIRST CLASS MAIL AND EMAIL**

Eugene O'Flaherty  
Corporation Counsel  
City of Boston  
1 City Hall Square, Room 615  
Boston, MA 02201  
[eugene.oflaherty@boston.gov](mailto:eugene.oflaherty@boston.gov)

Dear Mr. O'Flaherty:

Based on my communications with the City, it was my clear understanding that Mayor Walsh intended to reinstate Commissioner White as Commissioner of the Boston Police Department. Consistent with that promise, the independent investigation was cancelled. I received notice of that cancellation from the investigator. Her email is attached.

However, I learned yesterday that the City has decided to recommence the independent investigation. I received an email yesterday from the investigator, which is also attached. I spoke to the investigator and she informed me that she is looking for every bit of information on Commissioner White that she can obtain, and she expects the investigation will take at least until the end of March and perhaps longer. As she said, "I will not be rushed by anyone."

At this point, Commissioner White can only reasonably conclude that this full-blown investigation is merely a delay tactic with an ulterior purpose: Commissioner White's discharge. Mayor Walsh is on the verge of confirmation. He then will be required to resign as Mayor of Boston so that he can fulfill his duties as Secretary of Labor. There is simply no way the investigation will be complete before Mayor Walsh departs for his new post.

Commissioner White will not agree to an investigation that is not being undertaken in good faith. Further, none of Commissioner White's predecessors who were promoted to Commissioner from the ranks of the Boston Police Department were subjected to any additional investigation and were judged based on their record at the BPD. Commissioner White demands similar treatment. He has demonstrated the highest level of competence, professionalism and integrity as a police officer and supervisor at the BPD for over three decades.

There is nothing more to know that that the City does not already know about his ability to lead the Boston Police Department. The City has been aware of Ms. White's allegation since it was made in 1999. During the last 22 years, Commissioner White has been promoted 5 times, joining the Command Staff in 2014 and ultimately being elevated to Superintendent Chief of Staff in 2018 – the third highest ranking officer at the BPD. Each of these Command Staff promotions were during Mayor's Walsh's tenure and with his approval. Commissioner White has served with excellence and without incident.



**Todd & Weld** LLP

March 2, 2021  
Page 2 of 2

The City has inflicted tremendous harm on Commissioner White. It is now time to end that mistreatment and to reinstate him. I look forward to hearing from you today.

Very truly yours,

Nicholas B. Carter

NBC/adc



# **EXHIBIT**

**C**



**Todd & Weld** LLP

Nicholas B. Carter  
E-mail: [ncarter@toddweld.com](mailto:ncarter@toddweld.com)

March 11, 2021

**VIA FIRST CLASS MAIL AND EMAIL**

Eugene O'Flaherty  
Corporation Counsel  
City of Boston  
1 City Hall Square, Room 615  
Boston, MA 02201  
[eugene.oflaherty@boston.gov](mailto:eugene.oflaherty@boston.gov)

Dear Mr. O'Flaherty:

Following up on my letter to you and the City on March 2, 2021, I have been informed that the City inquired in the last week if the City could terminate Commissioner White due to an alleged residency requirement when he was BPD Chief of Staff. The City retreated from that effort as soon as the City was informed it would have to terminate Greg Long based on the same rationale. It is also my understanding that both Greg Long and Commissioner White were grandfathered into the Command Staff before that residency requirement took effect, therefore it does not apply.

This information underscores that the City's alleged investigation of Commissioner White is not being undertaken in good faith. If the process were in fact fair and without a pre-determined goal in mind, the City would not be inquiring simultaneously about terminating him. It also is troubling that the City would be prepared to terminate Dennis White, a Black man, until it learns that Greg Long, a White man, would also have to be terminated. Please let me know who initiated this inquiry, who had any involvement and who was aware of it.

The best way forward is for Mayor Walsh to reinstate Commissioner White immediately. His leadership at the BPD has been exemplary. His record is and has been known for decades, to the City and BPD. Because of his strong record, he was elevated to Chief of Staff of the BPD and more recently chosen to serve with a handful of other community leaders to review the BPD and make recommendations for reform as part of the Boston Police Reform Task Force. He has the support of the community, as well as key law enforcement partners including outgoing Commissioner William Gross, Suffolk County D.A. Rachel Rollins and Suffolk County Sheriff Steve Tompkins, all of whom have called for his immediate reinstatement.

The ongoing, unfair process is causing significant harm to Commissioner White, who is and has been a dedicated public servant.

I look forward to the City's prompt response. Thank you.



**Todd & Weld** LLP

March 11, 2021  
Page 2 of 2

Very truly yours,

Nicholas B. Carter

NBC/adc

**EXHIBIT**

**D**



**Todd & Weld** LLP

Nicholas B. Carter  
E-mail: [ncarter@toddweld.com](mailto:ncarter@toddweld.com)

March 12, 2021

**VIA FIRST CLASS MAIL AND EMAIL**

Henry Luthin  
Corporation Counsel  
City of Boston  
1 City Hall Square, Room 615  
Boston, MA 02201  
[henry.luthin@boston.gov](mailto:henry.luthin@boston.gov)

Dear Mr. Luthin:

As discussed in our call yesterday, I have requested Commissioner White's contract with the City and all documents reflecting the agreement regarding the terms of his appointment as Commissioner. I also have requested by e-mail to you earlier today that the City provide a copy of Commissioner White's IA file and personnel file, and any complaint or police report concerning Sybil White allegation concerning Commissioner White.

You mentioned yesterday that it was your understanding that Commissioner White is not cooperating with the independent investigation. Without rehashing in full what I have already communicated to the City, there are a few points that need to be made so the City understands Commissioner White's position regarding the investigation.

First, there is no basis for an investigation to determine if he is qualified to serve as Commissioner. Mayor Walsh already determined that he was qualified and the right person for the position, and therefore appointed him based on his entire record. That record includes his many years of exemplary service as a senior member of the Command Staff and an officer at the BPD. It also includes the decades-old allegation of Sybil White which was fully vetted when it was made and has been known to the BPD and the City ever since. After a full investigation by the BPD, her allegations were not sustained. She did not file a criminal complaint, because no crime was committed. She and Commissioner White have continuously served on the same Boston police force for over two decades professionally and without incident since their divorce; they have met courteously at social gatherings. Notably, she did not surface this old story, nor seek to block Commissioner White's appointment.

Second, the investigation is being conducted in bad faith. During the investigation, the City considered trying to terminate Commissioner White based on a groundless theory that he had not satisfied an alleged residency requirement when he served on the Command Staff. He has never been in violation of any residency requirement. The so-called investigation must be considered in that context. It appears to be a means to a pre-determined goal of finding a way to terminate him. That is not a trustworthy process.

Third, your predecessor, Eugene O'Flaherty, told me there was no need for a further investigation. The City knew all it needed to know about Commissioner White based on his



thirty-eight years with the BPD. Accordingly, the independent investigation was terminated on February 24, 2021. I have attached the email from the independent investigator informing me of that fact. Without explanation, she informed me that the City had resumed the independent investigation a week later. I have attached that email. The City has not explained the reason for resuming the investigation or what the scope or purpose of the resumed investigation is. Given that the investigator told me when I first spoke with her on February 22<sup>nd</sup> that the investigation was unlimited in scope, she would decide what information she put in the report and the report would be made public, you can understand why Commissioner White would have legitimate privacy concerns.

Fourth, the City's investigation has already caused substantial harm to Commissioner White and his family. Commissioner White and Sybil White went through a difficult and painful divorce more than twenty years ago. Sybil White's allegations were made during that divorce. The City's decision to put Commissioner White on leave while her allegations are (again) investigated has already re-opened old wounds and threatens to tear apart Commissioner White's family again, many years later. Anyone reading the newspaper is now witness to old, personal wounds being re-opened and new wounds within the family being created. The City's investigation into this stale matter is disrespectful to his family and unnecessary. It certainly raises troubling concerns about disparate treatment.

Fifth, no other person appointed to the position of Commissioner from within the ranks of the BPD has had to undergo any investigation beyond a review of their record as an officer at the BPD. Commissioner White was appointed consistent with that precedent. There is no precedent for subjecting a Commissioner to an investigation *after* he has been appointed.

Sixth, the investigation into Commissioner White is not only limitless in scope, there is no deadline for its completion. The investigator has stated she will not complete the investigation until at least the end of March 2021, and it may take longer. According to her, she "will not be rushed." It should have been completed already, within days given that his entire relevant record is his thirty-two years with the BPD. The length of this investigation appears to be designed as a delay tactic so that the City can avoid making a decision before Mayor Walsh's confirmation as Secretary of Labor and his departure as Mayor.

Commissioner White would have participated in a fair and appropriate investigation. However, the current investigation is anything but fair and appropriate. It has already caused Commissioner White and his family significant harm, and it threatens to cause them more unnecessary harm.



**Todd & Weld** LLP

March 12, 2021  
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I am available to discuss if you or the City has any questions or concerns.

Very truly yours,

Nicholas B. Carter

NBC/adc

# ATTACHMENT



**From:** Tamsin Kaplan <tkaplan@DavisMalm.com>  
**Sent:** Monday, March 1, 2021 4:53 PM  
**To:** Carter, Nick <ncarter@toddweld.com>  
**Subject:** Re: Independent investigation

Good afternoon Nick,

I have been informed this afternoon that the investigation is to resume and continue effective immediately. Do you have the completed disclosure and authorization forms from Commissioner White for me? Please let me know when I can expect to receive those.

Thank you.

Tamsin R. Kaplan  
Sent from my iPhone

> On Feb 24, 2021, at 5:05 PM, Tamsin Kaplan <[tkaplan@davismalm.com](mailto:tkaplan@davismalm.com)> wrote:

>

> Hello Nick,

>

> Please be aware that the independent investigation was terminated at 5 PM today at the direction of the City of Boston's Corporation counsel. As the investigation is in a preliminary phase, I'm unable to make any findings at this time. In view of the high level of public trust that is essential to the position of police commissioner, I have recommended that the independent investigation be resumed and allowed to progress to completion.

>

> Tamsin

>

> Tamsin R. Kaplan

> Sent from my iPhone

**TAMSIN KAPLAN**

Attorney at Law

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# **EXHIBIT**

**E**



**Todd & Weld** LLP

Nicholas B. Carter  
E-mail: [ncarter@toddweld.com](mailto:ncarter@toddweld.com)

March 19, 2021

**VIA FIRST CLASS MAIL AND EMAIL**

Henry Luthin  
Corporation Counsel  
City of Boston  
1 City Hall Square, Room 615  
Boston, MA 02201  
[henry.luthin@boston.gov](mailto:henry.luthin@boston.gov)

Dear Mr. Luthin:

I have received important information from Sergeant Detective Mary-Ann Riva (Ret.), who was assigned to investigate Sybil White's allegation of abuse against Commissioner White more than twenty years ago. The results of her investigation are contained in her affidavit, which is attached. This information should put an end to any question about Commissioner White's qualification to serve as Commissioner of the Boston Police Department.

What the affidavit and accompanying records show demonstrates beyond a shadow of doubt that Commissioner White did not abuse or threaten to abuse Sybil White. By Ms. White's own admission, there was "no physical abuse" by Commissioner White.

The one allegation raised by Sybil White concerned a statement that Commissioner White allegedly made to a friend of the parties, Linda Figueroa. According to Linda Figueroa, Commissioner White expressed his feeling of being angry and hurt by Sybil White, when she refused to speak with him and drove off with another man. Clearly, Ms. Figueroa did not view the comment as a real threat to the safety of Ms. White, because Ms. Figueroa did not even relay the comment to Ms. White for more than three months.

Ms. White also did not view the comment as a real threat, because she did not act on the comment immediately. In fact, she did not act on the statement until three weeks later, when Commissioner White called her to tell her to hire a divorce attorney. Immediately after she received that call, she exploded in anger at him and left an expletive laced message for him at his police station, which the receiving officer called "abusive." After that call, Ms. White immediately reported the statement that Commissioner White had made to Linda Figueroa four months earlier and obtained a restraining order the next day. Notably, she mischaracterized the statement both to the police and to the court. As evidenced by Linda Figueroa and Sgt. Det. Riva, Commissioner White never said he was "going to shoot" Ms. White as Ms. White falsely reported to the police and the court. In fact, he never expressed any intent to harm her, then or ever. There is no evidence to the contrary.

The alleged abuse of Ms. White is what purportedly caused the City to put Commissioner White on paid leave, even though her allegations were not new and had already been fully vetted by the City. With this affidavit and the accompanying records, it is clear Commissioner White



**Todd & Weld**LLP

March 19, 2021  
Page 2 of 2

never abused Sybil White or even actually threatened her. The City should reinstate Commissioner White immediately.

I am available to discuss if you or the City has any questions.

Very truly yours,

Nicholas B. Carter

NBC/adc  
(enclosure)

**Affidavit of Mary-Ann Riva**

Mary-Ann Riva, on oath, hereby states as follows:

1. I served as a Detective in the Domestic Violence Unit (DVU) for approximately 10 years and as Sergeant Detective in the DVU for 4 years before retiring from the Boston Police Department in 2016 after more than two decades as a detective.
2. As a detective, I specialized in domestic violence investigations. I handled more than 7,000 domestic violence cases.
3. Before the DVU, I handled domestic violence investigations at the district level.
4. On May 5, 1999, I was notified of a report of alleged domestic violence being made by Sybil White against Dennis White. Both were Boston police officers. I did not know Sybil White, and only knew Dennis White a little. I had never worked with either. I was assigned to investigate.
5. I interviewed Sybil White and her friend Linda Figueroa at the Dorchester District Court. Tiffany White, Sybil White's teenage daughter, was present. I recommended that Tiffany White not be present for the interviews, but Sybil White insisted that she remain. I did not think that was appropriate because we were discussing the parents' difficult relationship and adult matters.
6. According to Linda Figueroa, Dennis White spoke to her on December 26, 1998 about a prior incident with Sybil White and her friend "Steve." It was my understanding that Steve was Sybil White's boyfriend at the time. On December 26, Dennis White told Ms. Figueroa that Sybil White had refused to speak to him about a matter and drove away instead with Steve. Dennis White told Ms. Figueroa: "You don't know how I felt. I did want to shoot her and him." Ms. Figueroa said that Dennis White sounded mad and hurt when he said this.
7. In my experience as a domestic violence detective, Dennis White was expressing a human feeling of anger, but not an intent to commit violence. Dennis White and Sybil White were having significant relationship problems and had already separated, but they lived in the same building.
8. According to Sybil White, Dennis White had told Tiffany White a couple of weeks earlier that he sleeps with his service weapon under his pillow and that Tiffany should not come upstairs and startle him when he's sleeping. Dennis White apparently lived in an upstairs apartment, Sybil White lived in a downstairs apartment and the children moved between the two apartments because the parents were separated.

9. I did not consider this statement to be a threat. He was telling his daughter not to surprise him at night when he was sleeping. I was not concerned at the time that Dennis White kept his service weapon with him at night, because that was a common practice at the time for police officers based on my experience.
10. A copy of my report of these interviews is attached to this affidavit.
11. As part of my investigation, I obtained a police report concerning a call by Sybil White the day before my interview with her. On May 4, at 5:30 pm, Sybil White called the police station where Dennis White worked and stated in a "loud and abusive manner" (according to the police officer on the call), "Would you put fucking Sergeant White back on the fucking phone." When the officer asked who was calling, she said, "His fucking wife." The officer wrote a report, which is attached.
12. As part of my investigation, I also reviewed Sybil White's report to the police that she made on May 4 at 6:10pm, shortly after her call to the police station. According to the report, Sybil White was "separated from husband for 4 years." She "lives on 1<sup>st</sup> Floor and husband lives on 3<sup>rd</sup> Floor of jointly owned building." Sybil White also reported, "they have had arguments in past but no physical abuse." A copy of this report is attached.
13. As part of my investigation, I also reviewed Sybil White's affidavit dated May 5, 1999, in connection with her application for a restraining order. In that affidavit, she reported that her friend Linda told her 2-3 weeks previously that Dennis White said "he was going to shoot me and another friend of mine because I left him standing on the sidewalk and went out with my friend." This statement mischaracterized what Dennis White said to Linda Figueroa, as Linda Figueroa reported it. Dennis White did not say he was "going to shoot" Sybil White. People in anger might say they feel angry enough to kill someone, but that is different from making a threat to actually kill someone. As I understood it, Dennis White was describing his feelings, not an intent to act.
14. The Boston Police Department wanted me and other domestic violence investigators to pay careful attention to domestic violence allegations against a police officer and to assess whether that officer presented a risk of violence, should have his gun taken away, or should be removed from the police force. Based on my investigation, including communications with Sybil White, Tiffany White and Linda Figueroa, I did not believe that Dennis White presented a threat of violence to Sybil White. I did not recommend that he should have his gun taken away or that he should be removed from the police force.
15. In my view, based on my experience as a domestic violence detective, Sybil White was angry and upset about the divorce which Dennis White had initiated and her statements

were made in that context. In my experience as a domestic violence detective, it is not uncommon for incorrect statements to be made by one partner against another during a divorce proceeding. That is not always the case, but it is sometimes the case. It was my opinion that Sybil White's request for a restraining order was motivated out of her being upset and angry, not because there was a real threat that Dennis White would commit violence against her. Sybil White voluntarily vacated the restraining order against Dennis White on June 23, 1999, more than ten months before it was scheduled to expire.

16. In my view, based on my experience and investigation, Dennis White did not make a threat to commit violence on Sybil White, and did not present a threat of violence to her.

SIGNED UNDER THE PENALTIES OF PERJURY THIS 18TH DAY OF MARCH, 2021.

  
Mary-Ann Riya



To: Captain Albert Goslin  
From: Detective Mary-Ann Riva, ID # 7470  
Subject: Interview of Sybil White  
Sir:

I respectfully report that on May 5, 1999 at approximately 2:30 PM I interviewed Sybil White and Linda Figueroa at the Dorchester Court House. Linda Figueroa stated that on December 26, 1998 sometime between 12:00 noon and 4:00 PM she was operating her motor vehicle on Dudley St at Washington St when she observed Dennis White flashing his highbeams at her. She pulled over and got out of her m/v and after giving him a hug and kiss, had a conversation with him. They talked about different things and then about Sybil and her relationship with Linda and with Dennis. He then told Linda about an incident that had occurred at Steve's house (a co-worker of Sybil's). He said that he wanted to talk to Sybil and she wouldn't talk to him and then drove off and left him standing in the street. Dennis said to Linda "You don't know how I felt, I wanted to shoot her and him). He further stated to Linda that Sybil is not going to realize how good she had it with Dennis and Linda. Linda then told Dennis about Steve calling the house and questioning why she was answering the phone, telling Dennis that it was disrespectful of Steve to ask those questions. She said Dennis sounded mad and hurt when he spoke of shooting Sybil.

Sybil White stated that she has been having marital problems with Dennis for a long time. She further stated that there was an incident at her friend Steve's home and that she had a conversation with Dennis outside and at some point Sybil got into her motor vehicle and left leaving Dennis standing on the sidewalk. She said that Linda told her about this conversation that she had with Dennis sometime after Easter and that the comment made by Dennis about shooting her concerned her greatly. On today's date [REDACTED] Sybil got a restraining order from Dorchester court # [REDACTED], expiring on [REDACTED]. Sybil stated that she felt the department was not taking her seriously.

Also present was Tiffany White daughter of Dennis and Sybil White who stated that approximately 2 weeks ago her father said "Don't startle me when you come up cause I sleep with a gun in my hand". Tiffany states that her father sleeps upstairs and when she goes up to see him she is very quiet on the stairs.

# Boston Police

She thought the comment by her father was a warning. She told her sister Brittany not to startle their father, but did not tell her about the gun. Tiffany stated she did not tell her mother until a few days after the incident.

I informed Sybil that a Superior officer would follow through on this report and that as soon as I knew who would be taking this case I would let her know. I also advised her to go to Probate court and start proceedings there. She stated she has been in touch with Sgt. Gaines of the Domestic Violence Unit about this matter.

Respectfully submitted,

---

Mary-Ann Riva

# Boston Police INCIDENT REPORT

HANDPRINT

(H8292)

SUPPLEMENTARY  
 01. BY: STATION  OFFENSE  LICENSED PREMISES  ELDERLY  GOVERNMENT  
 590227627 02

03. TYPE OF INCIDENT: **Harassment Report**  
 04. DATE OF OCCURRENCE: **05/04/99**  
 05. TIME OF OCCURRENCE: **5:30**

06. NAME OF SUSPECT: [REDACTED]  
 07. SEX: [REDACTED] 08. RACE: [REDACTED]  
 09. HEIGHT: [REDACTED] 10. WEIGHT: [REDACTED] 11. HAIR: [REDACTED] 12. EYES: [REDACTED]

13. OCCUPATION: [REDACTED] 14. RESIDENCE: [REDACTED]  
 15. PHONE: [REDACTED] 16. ADDRESS: [REDACTED] 17. CITY: [REDACTED] 18. STATE: [REDACTED] 19. ZIP: **X4270**

20. WITNESSES TO THE OFFENSE:  
 PO Cox [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

21. NUMBER OF PERPETRATORS: **one** CAN SUSPECT BE IDENTIFIED AT THIS TIME:  YES  NO

22. NAME OF SUSPECT: **White, Cyril**  
 23. SEX: **M** 24. RACE: **W** 25. HEIGHT: **5'11"** 26. WEIGHT: **160** 27. BUILD: **Med** 28. HAIR: **Brn** 29. EYES: **Brn**

30. VEHICLE MAKE/YEAR: **N/A** 31. VEHICLE NO.: [REDACTED]  
 32. PLATE TYPE: [REDACTED] 33. YEAR/EAR: [REDACTED] 34. MODEL: [REDACTED]

35. OPERATOR'S NAME: [REDACTED] 36. LICENSE NO.: [REDACTED]  
 37. OPERATOR'S ADDRESS: [REDACTED] 38. OWNER'S NAME: [REDACTED] 39. OWNER'S ADDRESS: [REDACTED]

40. CAN PROPERTY BE IDENTIFIED:  YES  NO  
 41. TYPE OF PROPERTY: **N/A** 42. SERIAL OR IDENTIFICATION NO.: [REDACTED] 43. BRAND NAME/DESCRIPTION: [REDACTED] 44. MODEL: [REDACTED] 45. VALUE: [REDACTED] 46. UCR: [REDACTED] 47. REC'D: [REDACTED]

48. IS THERE A SIGNIFICANT MO:  YES  NO  
 49. TYPE OF RELATIONSHIP: **Telephone** 50. NEIGHBORHOOD: **Bus/Res** 51. TYPE OF BUILDING: **Police Station** 52. PLACE OF ENTRY: **N/A**

53. RELIABLE: **cloudy** 54. LIGHTING: **Artificial** 55. TRANSPORTATION OF SUSPECT (CAR, FOOT, BICYCLE, ETC.): **walk** 56. MOTORIST ACTIVITY: **@ wk**  
 57. GENERAL ACTS AND STATEMENTS OF PERPETRATOR: **"Put fucking Sgt. White back on the fucking phone"** 58. RELATIONSHIP TO VICTIM: **wife**

59. IS THERE ANY PHYSICAL EVIDENCE (DESCRIPTION AND DISPOSITION IN NARRATIVE): [REDACTED]

60. IS THERE ANY OTHER REASON FOR FURTHER INVESTIGATION (REASON BELOW): [REDACTED]

61. NARRATIVE AND ADDITIONAL INFORMATION:  
**About 5:30 on Tue 5/4/99 PO Cox BODXc while on duty to front desk @ Area B-2 received phone call from Sgt. White's wife where she stated in a loud & abusive manner - "Would you put fucking Sgt. White back on the fucking phone" responded calmly stating "And whom might this be calling" To which she angrily replied "This fucking wife" Told her to hold on & a minute later released message to Sgt. White**

62. DATE OF OFFENSE: **03** 63. REPORTING OFFICER'S SIGNATURE: **P.O. [Signature]** 64. REPORTING OFFICER'S ID: **10350** 65. PARTNER'S ID: [REDACTED] 66. TELEPHONE NO.: [REDACTED]

67. NUMBER OF NOTES/REFERENCES: [REDACTED] 68. UNIT SUP ID: [REDACTED] 69. SIGNATURE DUTY SUPERVISOR: **Sgt. [Signature]** 70. REVIEWER'S ID: **6558**

INCIDENT REPORT

② 2

COMPLAINT NO. 90227209 C-11 7 2

DATE OF INCIDENT 05-04-99

TYPE OF INCIDENT Threats

OFFENSE CODE 1

OFFENSE DESCRIPTION White Subil F.

OFFENSE STATUS 38

PERPETRATOR'S STATUS 38

PERPETRATOR'S OCCUPATION Municipal Employee

PERPETRATOR'S RACE SAME

WITNESSES

Linda Figueroa 25 N/A

Tishy White 17 N/A

PERPETRATOR'S RACE SAME

SUSPECT NAME White, Dennis

DOB 38 6-7 4-11-61

SEX M

HAIR BRN

EYES BRN

SCARS ON Wrist - from left Ring finger

260 HWT 220

VEHICLE MAKE/TYPE n/a

VEHICLE COLOR n/a

VEHICLE MAKE/TYPE n/a

VEHICLE COLOR n/a

VEHICLE MAKE/TYPE n/a

VEHICLE COLOR n/a

**Lead**

PROPERTY OF SUSPECT n/a

PROPERTY OF SUSPECT n/a

PROPERTY OF SUSPECT n/a

PROPERTY OF SUSPECT n/a

PROPERTY OF SUSPECT n/a

TYPE OF WEAPON n/a

WEATHER n/a

PHYSICAL ACTIONS AND STATEMENTS OF PERPETRATOR

RELATIONSHIP TO VICTIM HUSBAND

Victim Reports that husband described above made threats through her friend Lin ng to shoot both victim and the Figueroas. These threats were made approximately 3 weeks ago. Further, victim reports that last week sometime her daughter, Ms. Tishy White stated that suspect stated that he sleep with a gun under his pillow. Victim states she is separated from husband for 4 years, but lives on 1st floor, and husband lives on 3rd floor of recently owned building. Victim further states that they have had arguments in past, but no physical A.B.K. Ms. White advised of her

REPORTING OFFICER'S ID 8368

PARTNER'S ID

REPORTING OFFICER'S SIGNATURE [Signature]

PARTNER'S SIGNATURE [Signature]

1. Officer & Call Number File  
C-11 90227259

BOSTON POLICE DEPARTMENT  
CONTINUATION SHEET

Page 2 of 2

2. Report Date  
5-4-99

3. Name of Incident

Remarks

209A night and give copy in hand.

Mr. White advised to seek restraining order in  
Dorchester District Court in morning

Also advised to contact Domestic Violence Detectives  
in Ops C-11 Ext (786)

Boston Police  
INCIDENT REPORT

HANDPRINT

3

01. SEVERITY <input type="checkbox"/> FATAL <input type="checkbox"/> SERIOUS <input checked="" type="checkbox"/> MODERATE <input type="checkbox"/> MINOR <input type="checkbox"/> OTHER	02. COMPLAINT NO. 90227209	03. REPORT NO. B2	04. CLEARANCE DAY B2	PAGE 1	OF 1
05. TYPE OF ACCIDENT INV PERSONA	06. CRIME CODE	07. STATUS <input type="checkbox"/> ACTIVE <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> ARREST <input type="checkbox"/> UNDER 18	08. DISPATCH TIME	09. TIME OF OCCUR 1200	10. DATE 4-99
11. VICTIM'S NAME Figueroa Linda	12. SEX M	13. RACE H	14. BIRTH DATE 28	15. MARRIAGE STATUS MARRIED	16. OCCASION
17. PERSON REPORTING IF DIFFERENT THAN ABOVE Det Riva	18. ADDRESS B2	19. APT. NO.	20. PHONE NO.	21. PHONE NO.	22. PHONE NO.

PERSON INTERVIEWED	AGE	LOCATION OF INTERVIEW	APT. NO.	HOME ADDRESS	APT. NO.	RES. BLDG. NO.	RES. BLDG. NO.	RES. BLDG. NO.	RES. BLDG. NO.	RES. BLDG. NO.
M/A										

23. NUMBER OF FINGERPRINTS	24. CAN SUSPECT BE IDENTIFIED AT THIS TIME	25. NAME (LAST FIRST MI) White, Dennis	26. SS. NO.	27. BOOKING NO.	28. PHOTO NO.	29. AEW
30. WARRANT NO.	31. APT. NO.	32. SEX M	33. RACE B	34. AGE 38	35. HEIGHT 62	36. HAIR Grey
37. SPECIAL CHARACTERISTICS (INCLUDING CLOTHING)	38. WEIGHT 270	39. BUILD Hvy	40. HAIR Grey	41. EYES Blue		

42. CAN SUSPECT VEHICLE BE IDENTIFIED	43. <input type="checkbox"/> BROKEN <input type="checkbox"/> DAMAGED <input type="checkbox"/> USED IN CRIME <input type="checkbox"/> OTHER	44. REG. STATE NO.	45. PLATE TYPE	46. MODEL
47. VEHICLE MAKE YEAR	48. VEHICLE NO.	49. STYLE	50. COLOR (TOP-BOTTOM)	
51. OPERATOR'S NAME	52. LICENSE NO.	53. OPERATOR'S ADDRESS		
54. OWNER'S NAME	55. OWNER'S ADDRESS			

56. CAN PROPERTY BE IDENTIFIED	57. TYPE OF PROPERTY	58. SERIAL OR I-DENTIF. CARD NO.	59. BRAND NAME-DESCRIPTION	60. MODEL	61. VALUE	62. UCR	63. RECOV
M/A							

64. IS THIS WEAPON-TOOL	65. NEIGHBORHOOD	67. TYPE OF BUILDING	68. PLACE OF ENTRY
66. WEATHER DAY	70. LIGHTING MLV	71. TRANSPORTATION OF SUSPECT (CAR, FOOT, METR, ETC.) MLV	72. VICTIM'S ACTIVITY Driving
73. CRUCIAL ACTIONS AND STATEMENTS OF PERPETRATOR			RELATIONSHIP TO VICTIM friend

74. IS THIS WEAPON-TOOL IDENTIFIED AND SENT TO THE LABORATORY

75. IS THIS WEAPON-TOOL IDENTIFIED AND SENT TO THE LABORATORY

76. NARRATIVE AND ADDITIONAL INFORMATION

Victim reports: while in conversation w/ Dennis White he stated to her that he was upset His wife Sybil White would not speak to him. he further stated to Linda that during a prior incident w/ his wife he just wanted to shoot her + her friend Steve. This prior incident occurred at Steve's home. During this interview Tiffany White (daughter of Dennis) stated her father told her not to startle him when she came into his home as he slept w/ his gun under his pillow.

Victim Has # 907490593 1515 S-5-99 @ LPS-19-99

77. UNIT ASSIGNED 0807	78. TOUR OF DUTY 2	79. REPORTING OFFICER'S SIGNATURE Det Riva	80. REPORTING OFFICER'S ID 7470	81. PARTNER'S ID
82. DATE OF REPORT 5-5-99	83. SPECIAL UNIT NOTIFIED (REPORTING)	84. SIGNATURE OF PATROL SUPERVISOR St. Strafford		
85. TIME COMPLETED 3:30	86. APT. SLP. ID	87. SIGNATURE DUTY SUPERVISOR		

**AFFIDAVIT**

Describe in detail the most recent incidents of abuse. The Judge requires as much information as possible, such as what happened, each person's actions, the dates, locations, any injuries, and any medical or other services sought. Also describe any history of abuse, with as much of the above detail as possible.

On or about 4/15/99 199 the Defendant Dennis William Callahan

because he would not exchange calls then defendant Dennis William Callahan  
my cell phone and left a nasty message calling me out of my mind and  
saying that I got a lawyer because he can't wait until my lawyer arrives  
and that you got the fuck out of my life I was left  
about a week ago from our eldest daughter Tiffany, that he told her  
not to come upstairs and strangle him because he stays with his  
gun under his pillow now. Had a couple of weeks before that he told  
my friend Linda that he was going to shoot me and another friend  
I was because I told him standing on the side walk and went with  
my friend to keep my door locked now because I'm afraid to go out  
he is always staying at our house and I am afraid that he  
may come inside and kill me because he is angry. My eldest daughter  
Tiffany is also afraid to go upstairs because he stays with his gun she  
told me that she was afraid that if she strangles him he will  
shoot her.

If more space is needed, attach additional pages and check this box:

Under penalty of perjury that all statements of fact made above, and in any additional pages attached, are true.

PLAINTIFF'S SIGNATURE

*[Handwritten Signature]*

PRINTED NAME OF WITNESS

TITLE/RANK OF WITNESS

ABUSE PREVENTION ORDER  
(G.L. c. 209A) Page 1 of 2

DOCKET NO.

990780-0593 (All)

TRIAL COURT OF MASSACHUSETT.

PLAINTIFF'S NAME

Sybil White

NAME ADDRESS OF COURT

Dorchester District Court  
510 Washington Street  
Dorchester, MA. 02124

D  
E  
F  
E  
N  
D  
A  
N  
T

Defendant's Name and Address

Dennis White  
[Redacted]

Alias, if any

Date of Birth

Sex

Mother's Maiden Name (First & Last)

Beverly White

Father's Name (First & Last)

Robert Morgan

Place of Birth

Boston

Telephone Prefix # (617)

2081866

**VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE punishable by imprisonment or fine or both.**

**A. THE COURT HAS ISSUED THE FOLLOWING ORDERS TO THE DEFENDANT: (only those items checked shall apply)**

This Order was issued without advance notice because the Court determined that there is a substantial likelihood of immediate danger of abuse.

This Order was communicated by telephone from the Judge named below to:

Police Dept. \_\_\_\_\_ Police Officer \_\_\_\_\_

- 1. YOU ARE ORDERED NOT TO ABUSE THE PLAINTIFF** by harming, threatening or attempting to harm the Plaintiff physically or by placing the Plaintiff in fear of imminent serious physical harm; or by using force, threat or duress to make the Plaintiff engage in sexual relations unwillingly in this section, either in person, by telephone, in writing or otherwise, either directly or through someone else, and to stay at least 50 yards from the Plaintiff even if the Plaintiff seems to allow or request contact. Notification of court proceedings is permissible only by mail, or by sheriff or other authorized officer when required by statute or rule.
- 2. YOU ARE ORDERED NOT TO CONTACT THE PLAINTIFF**, except as permitted in 6 below or for notification of court proceedings as permitted from the Plaintiff even if the Plaintiff seems to allow or request contact. Notification of court proceedings is permissible only by mail, or by sheriff or other authorized officer when required by statute or rule.
- 3. YOU ARE ORDERED TO IMMEDIATELY LEAVE AND STAY AWAY FROM THE PLAINTIFF'S RESIDENCE**, except as permitted in 6 below, located at 35 Ballard St. Dorchester 02121 or wherever else you may have reason to know the Plaintiff may reside. The Court also **ORDERS** you (a) to surrender any keys to that residence to the Plaintiff, (b) not to damage any belongings of the Plaintiff or any other occupant, (c) not to shut off or cause to be shut off any utilities or mail delivery to the Plaintiff, and (d) not to interfere in any way with the Plaintiff's right to possess that residence, except by appropriate legal proceedings.

If this box is checked, the Court also **ORDERS** you to immediately leave and remain away from the entire apartment building or other multiple family dwelling in which the Plaintiff's residence is located.

**4. PLAINTIFF'S ADDRESS IMPOUNDED.** The Court **ORDERS** that the address of the Plaintiff's residence is to be impounded by the Clerk-Magistrate or Register of Probate so that it is not disclosed to you, your attorney, or the public.

**5. YOU ARE ORDERED TO STAY AWAY FROM THE PLAINTIFF'S WORKPLACE** located at \_\_\_\_\_

**6. CUSTODY OF THE FOLLOWING CHILDREN IS AWARDED TO THE PLAINTIFF:**

NAME	D	O	B	N	A	M	E
Tiffany White	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	[Redacted]	[Redacted]	[Redacted]	[Redacted]
Brittany White	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	[Redacted]	[Redacted]	[Redacted]	[Redacted]

**7. YOU ARE ORDERED NOT TO CONTACT THE CHILDREN LISTED ABOVE OR ANY CHILDREN IN THE PLAINTIFF'S CUSTODY LISTED BELOW**, either in person, by telephone, in writing or otherwise, either directly or through someone else, and to stay at least 50 yards away from them unless you receive written permission from the Court to do otherwise.

You are also ordered to stay away from the following contact persons, other than: except children  

NAME	D	O	B	N	A	M	E
Tiffany White	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	[Redacted]	[Redacted]	[Redacted]	[Redacted]
Brittany White	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	[Redacted]	[Redacted]	[Redacted]	[Redacted]

may contact defendant by pager / phone.

**8. VISITATION WITH THE CHILDREN LISTED IN SECTION 6 IS PERMITTED ONLY AS FOLLOWS** (may be ordered by Probate and Family Court only)

Visitation is only allowed if supervised and in the presence of \_\_\_\_\_ at the following times: \_\_\_\_\_

to be paid for by \_\_\_\_\_

Transportation of children to and from this visitation is to be done by \_\_\_\_\_ (third party), and not by \_\_\_\_\_

You may contact the Plaintiff by telephone only to arrange this visitation.

**9. YOU ARE ORDERED TO PAY SUPPORT** for  the Plaintiff and  your child or children listed above, at the rate of \$ \_\_\_\_\_ per week or per \_\_\_\_\_ beginning \_\_\_\_\_ 199\_\_\_\_  directly to the Plaintiff  through the Probation Office of this Court  through the Massachusetts Department of Revenue  by income assignment.

**10. YOU MAY PICK UP YOUR PERSONAL BELONGINGS** in the company of police at a time agreed by the Plaintiff.

**11. YOU ARE ORDERED TO COMPENSATE THE PLAINTIFF** for \$ \_\_\_\_\_ in losses suffered as a direct result of the abuse, to be paid in full or before \_\_\_\_\_ 199\_\_\_\_  directly to the Plaintiff  through the Probation Office of this Court.

**12. THERE IS A SUBSTANTIAL LIKELIHOOD OF IMMEDIATE DANGER OF ABUSE. YOU ARE ORDERED TO IMMEDIATELY SURRENDER** to the Police Department all guns, ammunition, gun licenses and FID cards. Your license to carry a gun, if any, is suspended immediately.

**13. YOU ARE ALSO ORDERED**

The Plaintiff must appear at scheduled hearings, or this Order may be vacated. The Defendant may appear, with or without attorney, to contest any provision of this Order. If the Defendant does not appear, the Order may be extended or modified as determined by the Judge. For good cause, after the Plaintiff is served with this Order, you may modify this Order before any scheduled appearance date.

original mailed to DDC on 6/23/99

6/23/99

Boston C-11



Police reports are on file at the \_\_\_\_\_ Police Department.  
OUTSTANDING WARRANTS FOR THE DEFENDANT'S ARREST:

16. An imminent threat of bodily injury exists to the petitioner. Notice issued to \_\_\_\_\_ (DOCKET #s) \_\_\_\_\_ (PCF #) \_\_\_\_\_  
Department(s) by  telephone  other \_\_\_\_\_

B. NOTICE TO LAW ENFORCEMENT.

- 1. An appropriate law enforcement officer shall serve upon the Defendant in hand a copy of the Complaint and a certified copy of this Order (and Summons), and make return of service to this Court. If this box is checked  service may instead be made by leaving such copies at the Defendant's address shown on Page 1 but only if the officer is unable to deliver such copies in hand to the Defendant.
- 2. Defendant Information Form accompanies this Order.
- 3. Defendant has been served in hand by the Court's designee: Name William J. Daniel Date 5-19-99

DATE OF ORDER <u>05/05/99</u>	TIME OF ORDER <u>11:45</u>	<input checked="" type="checkbox"/> A.M. <input type="checkbox"/> P.M.	EXPIRATION DATE OF ORDER <u>5/19/99</u>	at <u>4</u> P.M.	NEXT HEARING DATE <u>5/19/99</u>	at <u>9</u> <input checked="" type="checkbox"/> A.M. <input type="checkbox"/> P.M.	In Courtroom
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The above and any subsequent Orders expire on the expiration dates indicated. Hearings on whether to continue and/or modify Orders will be held on dates and times indicated.

SIGNATURE/NAME OF JUDGE  
Sidney Heath

C. PRIOR COURT ORDER EXTENDED.

After a hearing at which the Defendant  appeared  did not appear, the Court has ORDERED that the prior Order dated 5/5, 1999 shall continue in effect until the next expiration date below  without modification

with the following modification(s):  
Para 7 - amended

Return of items ordered surrendered or suspended in A.12, on Page 1 presents a likelihood of abuse to the Plaintiff.

DATE OF ORDER <u>5/19/99</u>	TIME OF ORDER <u>9:40</u>	<input checked="" type="checkbox"/> A.M. <input type="checkbox"/> P.M.	EXPIRATION DATE OF ORDER <u>5/5/2000</u>	at <u>4</u> P.M.	NEXT HEARING DATE <u>5/5/2000</u>	at <u>9</u> <input checked="" type="checkbox"/> A.M. <input type="checkbox"/> P.M.	In Courtroom
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SIGNATURE/NAME OF JUDGE  
M. Zaleski

D. FURTHER EXTENSION.

After a hearing at which the Defendant  appeared  did not appear, the Court has ORDERED that the prior Order dated \_\_\_\_\_, 199\_\_ shall continue in effect until the next expiration date below  without modification

with the following modification(s):

Return of items ordered surrendered or suspended in A.12, on Page 1 presents a likelihood of abuse to the Plaintiff.

DATE OF ORDER	TIME OF ORDER	<input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	EXPIRATION DATE OF ORDER	at <u>4</u> P.M.	NEXT HEARING DATE	at _____ <input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	In Courtroom
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SIGNATURE/NAME OF JUDGE

E. PRIOR COURT ORDER MODIFIED.

Upon motion by the  Plaintiff  Defendant and after a hearing at which the Plaintiff  appeared  did not appear and the Defendant  appeared  did not appear, the Court has ORDERED that the prior Order dated \_\_\_\_\_ shall be modified as indicated below.

Return of items ordered surrendered or suspended in A.12, on Page 1 presents a likelihood of abuse to the Plaintiff.

DATE OF ORDER	TIME OF ORDER	<input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	EXPIRATION DATE OF ORDER	at <u>4</u> P.M.	NEXT HEARING DATE	at _____ <input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	In Courtroom
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SIGNATURE/NAME OF JUDGE

F. PRIOR COURT ORDER VACATED.

This Court's prior Order is vacated. Law enforcement agencies shall destroy all records of such Order.

VACATED AT PLAINTIFF'S REQUEST.

SIGNATURE/NAME OF JUDGE  
Mary M. South

DATE OF ORDER  
6/23/99

TIME OF ORDER  
11:25

WITNESS - FIRST OR CHIEF JUSTICE

A true copy, attested (Asst.) Clerk Magistrate (Asst.) Registrar

# **EXHIBIT**

## **F**



**Todd & Weld** LLP

Nicholas B. Carter  
E-mail: [ncarter@toddweld.com](mailto:ncarter@toddweld.com)

April 6, 2021

**VIA FIRST CLASS MAIL AND EMAIL**

Henry Luthin  
Corporation Counsel  
City of Boston  
1 City Hall Square, Room 615  
Boston, MA 02201  
[henry.luthin@boston.gov](mailto:henry.luthin@boston.gov)

Dear Mr. Luthin:

I am following up on the meeting last week between Mayor Janey and Commissioner White at which we discussed reinstatement and the investigation. What led to the investigation and the City removing Commissioner White from active duty was the recent, renewed disclosure of Sybil White's allegations in 1999 concerning her relationship with Commissioner White. I say "renewed" because she made these allegations publicly in court in 1999 during their divorce.

After a full investigation at that time, Commissioner White was exonerated. Ms. White did not seek a criminal complaint as there was no crime, and she voluntarily vacated a restraining order shortly after she had it put in place, permitting Commissioner White to return to living in their home. Ms. White did not allege physical assault, and as found by Sergeant Detective Mary-Ann Riva, one of BPD's most experienced domestic violence investigators, there was no threatened assault. She wrote under oath:

"In my view, based on my experience as a domestic violence detective, Sybil White was angry and upset about the divorce which Dennis White had initiated and her statements were made in that context. In my experience as a domestic violence detective, it is not uncommon for incorrect statements to be made by one partner against another during a divorce proceeding. That is not always the case, but it is sometimes the case. It was my opinion that Sybil White's request for a restraining order was motivated out of her being upset and angry, not because there was a real threat that Dennis White would commit violence against her. Sybil White voluntarily vacated the restraining order against Dennis White on June 23, 1999, more than ten months before it was scheduled to expire. In my view, based on my experience and investigation, Dennis White did not make a threat to commit violence on Sybil White, and did not present a threat of violence to her."

There is no basis for any investigation. The City already knew Commissioner White's record based on more than three decades with the BPD and another six years with the Boston Fire Department. He was promoted because the City was more than satisfied with his record. The City is not entitled to conduct a free-wheeling, unbounded investigation of the Commissioner, especially where it has no cause to remove him from office. The purpose of Chapter 322, Section 7 of the Acts of 1962 is to protect the BPD Commissioner from political meddling and



influences that undermine the Commissioner's ability to run the police department independently. The City's "independent investigation" threatens to violate the Commissioner's independence and this statute.

Nevertheless, as an accommodation to Mayor Janey and in the interests of trying to move beyond the current situation without litigation, and without waiving any of the Commissioner's rights, Commissioner White will agree to participate in the renewed investigation into Ms. White's allegations of an alleged shooting threat in 1999 and he will also sign a release agreeing to the City's review of his CORI.

Very truly yours,

Nicholas B. Carter

NBC/adc

**EXHIBIT**

**G**



**Todd & Weld** LLP

Nicholas B. Carter  
E-mail: [ncarter@toddweld.com](mailto:ncarter@toddweld.com)

April 9, 2021

**VIA FIRST CLASS MAIL AND EMAIL**

Henry Luthin  
Corporation Counsel  
City of Boston  
1 City Hall Square, Room 615  
Boston, MA 02201  
[henry.luthin@boston.gov](mailto:henry.luthin@boston.gov)

Dear Mr. Luthin:

I am following up on our communication today about the investigation. First, thank you for sending the investigator's engagement documentation. I have also requested that you send me all other correspondence with the investigator. You have indicated we can get that correspondence when the investigation is complete and the documents become public records. I believe Commissioner White should be allowed to get that correspondence now, especially because the scope of the investigation may be an issue. If the City has provided direction to the investigator, Commissioner White should be made aware of those instructions. Please let me know if the City will agree to provide Commissioner White with a copy of its correspondence with the investigator.

I also learned that after we provided the notarized CORI authorization form, it was improperly sent to the City/BPD to do the CORI check. The form authorized Creative Services, Inc. I was, therefore, confused that our agreement was not followed. You have assured me that you will take care of it. My concern is that the agreements we reach are followed.

Thank you.

Very truly yours,

Nicholas B. Carter

NBC/adc

**EXHIBIT**

**H**

## Carter, Nick

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**From:** Carter, Nick  
**Sent:** Wednesday, May 12, 2021 9:04 AM  
**To:** Henry Luthin  
**Subject:** RE: Update

Henry: I hope your medical procedure went smoothly yesterday. As for Commissioner White, his day went less well. Six different reporters contacted his family yesterday. I am extremely concerned that the City has leaked some or all of the investigator's report, or information concerning it, to members of the press. That would be a gross violation of his rights and an extreme act of discourtesy and disrespect to him. The report should and must be made available to him immediately. It would also help to discuss the status of this matter to ensure all parties are treated properly in this process. You can reach me at [REDACTED]

I look forward to your prompt response.

Nick

**From:** Henry Luthin <henry.luthin@boston.gov>  
**Sent:** Monday, May 10, 2021 4:32 PM  
**To:** Carter, Nick <ncarter@toddweld.com>  
**Subject:** Update

Hello Nick,

I am sorry I could not get back to you today. I will be in touch. I am out tomorrow with some minor medical stuff, but should be in Wednesday.

Henry

Henry C. Luthin  
Corporation Counsel  
City of Boston Law Department  
City Hall, Room 615  
Boston, MA 02201

617.635.4099 (o)  
617.594.1645 (c)



## Carter, Nick

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**From:** Carter, Nick  
**Sent:** Monday, May 10, 2021 4:43 PM  
**To:** Henry Luthin  
**Subject:** Re: Update

Hi Henry: Please call me. [REDACTED] The City is now in violation of Commissioner White's right to see a copy of the report. I'd also like to discuss the status.

Nick

Nick Carter  
Todd & Weld  
One Federal Street  
Boston, MA 02110  
617.624.4727

> On May 10, 2021, at 4:39 PM, Henry Luthin <henry.luthin@boston.gov> wrote:  
>  
> 4099

## Carter, Nick

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**From:** Carter, Nick  
**Sent:** Monday, May 10, 2021 9:25 AM  
**To:** Henry Luthin  
**Subject:** RE: Tamsin Kaplan report

Hi Henry: As a reminder, please send the investigator's report as soon as possible this morning. Also, I'd like to discuss the status of this matter. Pls let me know a good time to discuss. Thank you.

Nick

**From:** Henry Luthin <henry.luthin@boston.gov>  
**Sent:** Saturday, May 8, 2021 11:19 AM  
**To:** Carter, Nick <ncarter@toddweld.com>  
**Subject:** Re: Tamsin Kaplan report

Nick,

I was tied up yesterday. Will see to it Monday.

Henry

Henry C. Luthin  
Corporation Counsel  
City of Boston Law Department  
City Hall, Room 615  
Boston, MA 02201

617.635.4099 (o)  
617.594.1645 (c)

On Fri, May 7, 2021 at 3:46 PM Carter, Nick <[ncarter@toddweld.com](mailto:ncarter@toddweld.com)> wrote:

Henry: By statute, you are required to provide the report to us no later than today. Please send it to me. Thank you.

Nick

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**From:** Carter, Nick  
**Sent:** Tuesday, May 4, 2021 6:15 PM

**To:** Henry Luthin <[henry.luthin@boston.gov](mailto:henry.luthin@boston.gov)>

**Subject:** Re: Tamsin Kaplan report

Henry: I repeat our request for the report. Please advise when we will receive it. Thank you.

Nick Carter

Todd & Weld

One Federal Street

Boston, MA 02110

617.624.4727

On May 3, 2021, at 5:14 PM, Carter, Nick <[ncarter@toddweld.com](mailto:ncarter@toddweld.com)> wrote:

Henry: I repeat Commissioner White's request for the investigator's report, which he is entitled to. Please let me know if and when the City will provide the report to us. Thank you.

Nick

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**From:** Carter, Nick

**Sent:** Sunday, May 2, 2021 12:36 PM

**To:** Henry Luthin <[henry.luthin@boston.gov](mailto:henry.luthin@boston.gov)>

**Subject:** RE: Tamsin Kaplan report

Henry: I reiterate the request for a copy of the investigator's report concerning Commissioner White. He is entitled to a copy out of fairness, due process and because it's a personnel record. See M.G.L. c. 149, sec. 52C.

Nick

**From:** Henry Luthin <[henry.luthin@boston.gov](mailto:henry.luthin@boston.gov)>

**Sent:** Saturday, May 1, 2021 1:18 PM

**To:** Carter, Nick <[ncarter@toddweld.com](mailto:ncarter@toddweld.com)>

**Subject:** Re: Tamsin Kaplan report

Let's be clear. I said I would get back to you.

Henry C. Luthin

Corporation Counsel

City of Boston Law Department

City Hall, Room 615

Boston, MA 02201

617.635.4099 (o)

617.594.1645 (c)

On Sat, May 1, 2021 at 10:18 AM Carter, Nick <[ncarter@toddweld.com](mailto:ncarter@toddweld.com)> wrote:

Henry: As discussed just now, please provide a copy of the investigator's report on Commissioner White to me this morning. Thank you.

Nick Carter  
Todd & Weld  
One Federal Street  
Boston, MA 02110  
617.624.4727

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