

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX DIVISION

PROBATE AND FAMILY
COURT DEPARTMENT
DOCKET NO.: 02P5533AA

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)
IN RE: ESTATE OF BENJAMIN C. THOMPSON)
)
_____)

AFFIDAVIT OF BARBARA GAGE COOGAN

I, Barbara Gage Coogan, of 1340 Commonwealth Avenue, Apartment 14, Boston, Massachusetts, hereby depose and state as follows:

1. I knew Benjamin C. Thompson ("Ben"), who died on August 17, 2002. I have no interest in Ben's estate.

2. I was hired in 1998 by Ben's second wife, Jane Thompson ("Jane"), to help Ben write his memoirs. I had frequent contact with Ben from the time I was hired until his death. During this time, Jane ~~tried to fire me four times~~ tried to fire me four times, refusing to pay me for intervals at a time - a situation that would upset Ben greatly. Ben told me he missed my company and the mental stimulation of these times, that he felt lonely when I did not visit. In fact, he wanted Jane to increase my hours, but that was out of the question, as Jane told Ben that I made too much money already. It was only due to the intervention of Jane's daughter, Sheila, with whom I had a good rapport, that I continued to work for Ben until his death. Ben told me I was very important to his happiness. Sheila understood this and made sure that I continued to work with Ben.

3. During the time I worked for Ben, I always observed Ben to have warm feelings for and close relationships with his children: Debbie, Tony, Marina, Nick, and ~~Ben~~ Ben, Jr.

4. One of my tasks was to write letters for Ben at his request. One night I got a call from Jane, who was in a rage. She yelled and screamed at me, saying that she had to see every letter Ben wrote prior to it being sent out. She berated me, saying that I would have to give her the actual letters to be sent, so that Jane would be the last person to see them before they were sent out. I did this for all letters except the ones to Ben's children, because I wanted to be sure that they actually went out, and in the form of communication that Ben had intended. I thought that Jane's having to see Ben's letters, especially to his own children, was ridiculous and overstepped certain boundaries. Ben told me that Jane edited everything Ben wrote and "took the life out of it." I saw an example of this in July 1998, when Ben and I

which I left Jane copies of,

worked on an artist's statement for his watercolor show in Barnstable. When I saw the final draft of the artist's statement, I noticed that Jane had completely changed it.

5. During the time I worked for Ben, I had ample opportunity to observe the interaction between ~~he~~^{him} and Jane. From what I observed, Jane controlled Ben completely. Ben frequently remarked that Jane had a very bad temper. Ben often told me that he had no money, for instance, to go out for lunch. When he wanted for us to go out, those of us who took him out had to pay first and get reimbursed from Jane later.

6. Once, when I was sitting with Ben, Sheila arrived on the way to the funeral of her father. When Sheila left the room, Jane came into Ben's room and yelled at me, ordering me to leave so that she and Sheila could have privacy with Ben. Jane would also bark to me in letters, giving me orders. She once accused me of coming to Barnstable without being invited, claiming that I just showed up any time I wanted, even though Ben had invited me. At the time, he told me that it was "really Jane's house." I asked why it was Jane's house when it was on his property, and I understood him to explain vaguely that Jane had built the house, after his second stroke, in exchange for Jane taking care of Ben.

7. Jane was not ^{always} a gracious host ~~or~~ employer. The last several years I worked for Ben, Jane required everyone who came to the house to "sign in," myself and family members included. If we neglected to sign in, the home health aide was instructed to sign us in. I remember that once he told me that he wanted to tell Jane that he needed to be able to have more visitors, as a normal person would. Often when he told me he was going to talk to Jane about something that was bothering him, I would follow up and ask him if he had told Jane. More often than not he would not have had the conversation. He told me that it was hard for him to get Jane to listen to him. I had the feeling he felt intimidated by Jane. Once, he told me that he wanted to turn the Barnstable property into a nature foundation so that it would not be ~~gone~~^{lost} when he died. He said he had not told Jane this, as she would probably think it was not a good idea.

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argued
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8. Ben told me that he had hired someone to help him at the Cape house while he was recovering from his first stroke in 1989 because Jane chose to work at the office in Cambridge. The person Ben hired drove him to his doctor's appointments.

9. After Ben's second (1994) stroke, he could not read at all. I had to read everything to him. He dictated but did not sign his own letters. With respect to even understanding items that I read to him, he would often say "That's too complicated." He would then want to move on to something else. I remember Ben told me late in 1999 that he could not understand things very well, for instance, news programs on television. This would leave him feeling very frustrated. Ben's last entries into the memoirs are in the spring of 2001, so he was not talking or thinking very well by then.

10. It seems to me that Jane's controlling attitude continues in the pending litigation. Recently, Jane has contacted me, I assume, to get me on her side, or try to scare me. Jane initially attempted to contact me in December of 2002 under the guise of asking questions about the memoir. As Ben had told me he did not really think Jane cared about the memoirs

and would probably never read them, I was heartened to think she might be doing something about publishing them. ~~_____~~

~~_____~~. At the time of her first correspondence to me, I was unaware of any litigation involving Ben's family against Jane.

11. Attached to this Affidavit is a true copy of a letter I received from Jane on Friday, May 2, 2003. It expresses her dismay at not having heard from me after she initially sought to contact me, and seeks to characterize Ben's children's position as a "vendetta against Ben himself." In the letter, Jane seeks to threaten me about revealing any of the information I obtained in my writing of Ben's memoirs: "as one who works in the area of intellectual property, you are doubtless aware that the ideas and information that Ben shared with you are both confidential and protected by copyright, not available for your own use of sharing with others. As holder of Ben's Power of Attorney I did copyright the pages that are printed out, and they are in the personal property of Ben's estate all of which belongs to me."

12. I responded to Jane's first e-mail but could not go into any more detail than the date I started working for Ben. By the time I received a second e-mail from Jane, however, I knew that she was in litigation with Ben's family, and I did not reply. I believe Jane was trying to intimidate me with the letter.

Signed under the pains and penalties of perjury this 28 day of May, 2003.

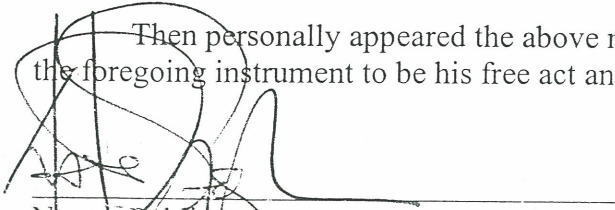
Barbara Gage Coogan
Barbara Gage Coogan

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

May 28, 2003

Then personally appeared the above named Barbara Gage Coogan, and acknowledged the foregoing instrument to be his free act and deed, before me,



Notary Public

My Commission Expires: January 2, 2009

00760320

Katerina Semizoglou
Notary Public
My Commission Expires
January 2, 2009

--- JThomp3600@aol.com wrote:
From: JThomp3600@aol.com
Date: Fri, 2 May 2003 12:12:50 EDT
Subject: Ben's work etc. jthomp4300
To: bgcoogan@yahoo.com

Friday May 2, 2003
TO: Bobbi Gage Coogan
FR: Jane Thompson

Dear Bobbi

I'm sorry not to have heard from you about the questions I sent on. I hope that doesn't indicate that the problem with your hand has persisted in persisting!

I am relatively sure that you have had calls from Nick or other Thompson boys soliciting support in their cause, which is breaking or negating Ben's Will. I know that Nick has personally tried to or contacted almost every person who ever worked in our home, in or for my office, was a neighbor or friend or former partner, and has said outright that "they" (not including Debby) are bringing a case against me for "stealing Ben's assets."

It wouldn't be surprising if he asked you to make and sign an affidavit. About what? Tony is trying to prove Ben's incompetence and inability 'sign his name on any document, but they certainly ask for and hope for any gossip and negative remarks they can get.

It is no surprise that I am targeted, but you should also perceive (if it hasn't already reached you) that this is a vendetta against Ben himself --- it started with their refusal to participate or attend Ben's funeral, and then the public repudiation by not attending the Memorial. He just didn't make all the decisions they pressed for -- so getting hands on more of his money now is the best revenge they can imagine. (And there really isn't any.)

I want to alert you to a few complications with legal aspects that can be avoided. Nick has asked at one person to enter my office and obtain information that he wants ' larceny of course -- and he might get the idea of co-opting you into entering my house, for like purposes. Not that you would consider it ' but you should know that just planning and soliciting unauthorized entry and theft borders on performing the illegal act itself -- he is heading into real legal problems. The estate Administrator (a Judge) has ruled that Nick should be restrained from aggressive talk and action, and he has probably been so advised by his lawyers, but he continues anyway.

Another issue that might come up are the letters and memoires that you took as dictation. As one who works in the area of intellectual property, you are doubtless aware that the ideas and information that Ben shared with you are both confidential and protected by copyright, not available for your own use or sharing with others. As holder of Ben's power of attorney, I did copyright the pages that I printed out, and they are in the personal property of Ben's estate all of which belongs to me. So if you are asked for any documents or discs, you not only can but must refuse. (If it is under a court order, that is a different matter, but lets hope it doesn't come to that)

I really hope you have not been entangled in all this estate business, but it seems better to avoid difficulties by anticipation to the extent possible. I would appreciate some signal from you that you are OK and functioning on all ten digits, but if there is still a writing problem there is always the phone: 617-331-4038 at most hours of day and night.

All the best,
Jane Thompson

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