

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX DIVISION

PROBATE AND FAMILY  
COURT DEPARTMENT  
DOCKET NO.: 02P5533AA

\_\_\_\_\_  
IN RE: ESTATE OF BENJAMIN C. THOMPSON  
\_\_\_\_\_

**AFFIDAVIT OF DUN GIFFORD**

I, Dun Gifford, of 266 Beacon Street, 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 have known Ben since 1975, when we became social friends in Cambridge. I also know Ben's second wife, Jane Thompson ("Jane"). I adored Ben. He was wonderful, warm, open and welcoming with a great sense of humor. However, I always observed him to be tense when he was with Jane.

3. My first business relationship with Ben and Jane Thompson was with respect to the Harvest Restaurant in Cambridge. I am attorney and a businessman. A true copy of my current *Curriculum Vitae* is attached to my Affidavit. Ben and Jane hired me as a consultant to analyze why the Harvest Restaurant was losing money in approximately 1978. They later hired me as a consultant for Benjamin Thompson Associates.

4. From what I observed of Ben and Jane, Jane was the "muscle" in the relationship. She constantly pushed Ben around. It did not matter if Ben disagreed with her ideas. Jane always got her way. She was a bully.

5. Over the years, I noticed that Jane's control over Ben became more and more complete. It also got worse because Jane was asserting more and more control over Ben's finances. From what I observed, Ben was afraid that if he did not give in to what Jane wanted, she would do something with his assets to affect him detrimentally.

6. It first occurred to me that Jane could unduly influence Ben to do anything she wanted in the early 1980's, when Jane asked me to reopen the Decree entered and the Divorce Agreement Ben had signed with his first wife, Mary. At that time, I looked into the matter and I told Jane that I would not be able to do what she had asked because I did not believe that there were any valid legal grounds that supported it. Furthermore, I did not believe that reopening the Decree and changing the Divorce Agreement terms would serve to do anything other than antagonize and hurt Ben's children and his relationship with them. The only person who would benefit, would be Jane.

7. Jane, however, was insistent. I recall sitting at a meeting with Ben and Jane to discuss reopening and renegotiating the terms of Ben's Divorce Agreement and Decree. Ben did not really participate. He basically told me that Jane wanted to reopen his Divorce Agreement because Jane believed that he was paying too much money. Jane would say to Ben, "Don't you believe that you're paying her too much money?" and he would agree. Ben, however, never directly asked me to reopen the divorce matter or insisted on it. It was all Jane's idea. When I gave Jane my final answer that I was not going to help them to do what she had asked, she got very angry and yelled at me and yelled at Ben.

8. From what I observed, Ben had close relationships with all of his children, and was very affectionate. Jane, however, was non-inclusive of Ben's children in the life that she and Ben shared.

9. In the 1980's I became a partner of Ben and Jane in their Faneuil Hall restaurants venture. It is my opinion the downfall of those restaurants and the fact that they lost lots and lots of money were mostly due to the fact that Jane refused to take business advice and was working in an industry that she did not understand. Further, Jane was not the financial wizard that she tried to convince people that she was -- just the opposite. She could not even keep to an established budget for any of the restaurants. For instance, for one of the restaurants, she purchased a very expensive stove from France. Ben, Jane and I had a meeting and I asked her, "Jane, what about the budget?". I pointed out to her that the French stove had not been budgeted for and asked her where she was going to get the extra money. Ben also asked about whether it had been budgeted for and/or if there was enough money in the budget. Jane simply said, "Ben and I have decided" and if Ben said anything that would oppose her in any way, she would say, "No, Ben. We decided." During the time I knew Ben and Jane, Jane would constantly tell Ben, "You don't understand these financial matters. You've never understood them." I must have heard Jane say that to Ben in front of me at least five hundred times. Although Ben was a partner in the Faneuil Hall restaurants, he was never an active partner because Jane was relentless.

10. Jane also insisted on refinancing for the Faneuil Hall restaurants because they would otherwise go under. The whole need for the refinancing was due to Jane and her inability and refusal to stick to a budget. Jane insisted on the refinancing and refused to take my advice or that of anyone else. Ultimately, that is why I gave up my partnership interest. Anything related to the Faneuil Hall restaurants, due to the fact that Jane insisted on running everything single handedly (and secretively as well) made that venture a nightmare from when it began at the end of the 1980's to when I got out of it in the early 1990's. [? Dun,

**Could You Please Check On The Date—Thx]** In my opinion, Jane trashed those businesses. She was also a control freak with all of the negative connotations. She could not let go of anything.

11. I lost contact with Ben in approximately 1993. I had my last conversation with him then. I told him I missed him and that I had lost contact with him because I could not deal with Jane anymore. Ben lost contact with a lot of his friends due to Jane, including Edward Diehl.

12. I was saddened by the whole situation. I did know that Ben was sick and had been hospitalized due to his strokes in the last approximately 10 years of his life. Friends and acquaintances of Ben told me, however, not to see him in the hospital or to visit him because he was not able to carry on any conversations. Also, I had been told that Jane was constantly with Ben and would sit in on any visits. I know that a lot of people did not visit Ben in the hospital because of Jane. I believe Ben was unable to assert his own will against Jane's overwhelmingly unduly influential tactics.

Signed under the pains and penalties of perjury this \_\_\_ day of \_\_\_\_\_, 2003.

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Dun Gifford

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, ss. \_\_\_\_\_, 2003

Then personally appeared the above named Dun Gifford, and acknowledged the foregoing instrument to be his free act and deed, before me,

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Notary Public  
My Commission Expires: