

AFFIDAVIT OF MARY DEVILIN HITCHCOCK

I, Mary Devilin Hitchcock, of Belmont, 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 started working for Benjamin Thompson Associates ("BTA") in 1989. I was Ben's administrative assistant. I was hired by Ben and his second wife, Jane Thompson ("Jane"), due to a reference from one of their neighbors. My duties as Ben's administrative assistant included not just drafting letters and office work, but also acting as Ben's personal care attendant. I worked with Ben from whatever location he was working from, whether it was the house that he and Jane owned on Willard Street in Cambridge, the BTA office in Harvard Square, or Ben and Jane's house on Cape Cod. I also sometimes worked until very late in the evening due to meetings held by Ben and his partners and Jane after office hours.

3. During the time period I worked for BTA, I had opportunity to observe the interactions between Ben and Jane, and also Ben's two children who worked at BTA, Benjamin Thompson ("Ben Jr.") and Nicholas Thompson. I did not have an opportunity to meet Ben's daughter or his son Anthony Thompson ("Tony"), who lived in Washington, D.C.

4. From what I observed of Ben from my interactions with him, he cared very much about his five children. Tony would often call from Washington, D.C. Ben also had a warm relationship with his two sons who worked in the office.

5. Due to the nature of the travel required to be Ben's administrative assistant, I carried everything of Ben's with me in a briefcase. Along with documents kept in the briefcase for

Ben's architectural work and correspondence, I carried his hearing aid, his medicine, and also a will that he was in the process of drafting. Further, for a long period of time, I kept the documents in the briefcase at my house rather than at the BTA office at Ben's request. Ben told me that he wanted me to keep the documents at my house because he did not want Jane to see them.

6. I recall working with Ben so that he could properly express his wishes in his will in the Summer of 1990. At that time, Ben indicated to me that he wanted to have some privacy from Jane, because Jane would not allow Ben to write his own will. I remember times when Ben and I were working on the will with Tony on the line from Washington, D.C., and Jane would pick up the phone and put a stop to it.

7. Based on my observations of Jane, she was a person who wanted to be in control of everyone's business, including BTA and Ben. I would describe her as a "tough lady" who was very overbearing. I also observed that she was not very nice or respectful to Ben. She would order him around. As far as she was concerned, based on my observations of her actions towards Ben and everyone else at BTA, Jane conducted herself as if everything revolved around her and her life, and she just happened to be married to Ben.

8. In the Summer of 1990, when I was writing out Ben's wishes for him, he told me that he was very concerned about taking care of his five children I have previously mentioned, because they were his family (from Ben's first marriage), not Jane's. I perceived Ben, from what he said to me, to be under a lot of stress to make sure that he was doing the right thing for his children with respect to distribution of his assets after he died. At the time, there were profits from Ben's Union Station project that he wanted to make sure his children would get.

Ultimately, I recall that Ben's wishes were converted into an official, typed document prepared by a lawyer from a Boston law firm, Brown Rudnick Berlack Israels LLP

9. A specific meeting that I recall having with Ben with respect to BTA/Union Station occurred in April of 1990. I remember at the time he was very concerned that he needed to have a separate account for BTA/Union Station. He wanted to be able to claim part of the proceeds from that venture as his own. At the time, since she controlled BTA and Ben's professional and personal life, Jane was not allowing Ben to use any of the proceeds, notwithstanding the facts that she not the architect (Ben was) and that she had no architectural background. The situation became so extreme that Ben was not even able to access personal money. He would ask me for money, and I would sometimes lend it to him out of my own pocket, because he simply wanted to, for example, "get a pack of gum". I also would take petty cash from BTA to give to Ben. This was because Jane would not allow Ben to have his own spending money. Jane demanded that Ben's paychecks and Union Station checks be handed directly over to her.

10. During the time that I worked for Ben, he also complained to me about his New York properties. As far as Ben knew, the mortgage and expenses for them were paid for at BTA with Ben's money. However, Jane had insisted to Ben that she keep her name on the properties to "protect" her children (from one of her prior marriages), Allen and Sheila. I recall that Ben was confused about this.

11. During the time I worked at BTA, I also observed that Jane was having an affair with an architect who worked in Ben's office, Benjamin Wood ("Ben Wood"). The whole office knew about this affair. The reason that everyone knew about it was because two secretaries had found love letters between Jane and Ben Wood. I was personally disgusted by the affair. At the

time, Ben Wood and Jane went on many business trips together. They would also often stay at the office late at night, drinking together, from the fully-stocked bar kept at BTA.

12. During this time, it was also part of my job not to allow my employer, Ben, to drink alcohol, due to his health and the medications he was taking. At the same time that Ben himself had told me that he was trying to wind down his office, Jane was pressuring Ben to do more work to earn more money, presumably for her own gain. In 1989, Ben wanted to wind down his practice and get out of BTA because his health (especially after his 1989 stroke) was deteriorating.

13. In March of 1989, Ben Wood and Jane pressured Ben to take a trip to Tokyo. On his flight back, Ben called me from the airplane. He said that he was not feeling well and described his symptoms to me. It sounded to me like Ben was having a stroke. I insisted that he go to the hospital as soon as he landed. During this conversation, Jane was listening, and yanked the phone out of Ben's hands. She berated Ben and I over the phone, and insisted that Ben's symptoms were "nothing". She demanded that they both be picked up at the airport and driven to Willard Street. I phoned Ben's son, Ben, about my concerns, and he arranged for Ben to go to Massachusetts General Hospital. It turned out that Ben had indeed had a stroke. From this experience, it became even clearer to me that Jane did not care about Ben except for the money he could make for her.

14. Also in 1990, Jane hired a woman to control BTA and Ben's finances and make sure that Ben was not able to access and control BTA finances himself. This woman was completely loyal to, and paid by, Jane. On October 18, 1990, Ben had asked me again for money, which I obtained from petty cash from BTA. On that date, the woman hired by Jane sought to prevent me from doing this, and assaulted me. She began pulling my hair and hitting me so that I would

not be able to access the petty cash at BTA for Ben. I was very upset and reported the assault to the Cambridge Police. At the time, both Ben and Jane tried to calm me down so that I would not leave BTA and tell others about this assault. Not long after the incident, however, on October 25, 1990, Ben Wood informed me that I was being laid off.

15. From my experience working for Ben and BTA, it was very clear to me that Ben wanted to take care of his five children, his family, and that he and Jane had a very antagonistic relationship. I perceived Ben to be competent at all times when I was working for him, and he was very clear that he wanted to take care of his children, because he was afraid that Jane would try to squeeze them out or prevent them from inheriting all that he had worked for.

Signed under the pains and penalties of perjury this _____ day of _____, 2004.

Mary Devilin Hitchcock

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