

STATE OF NEW HAMPSHIRE

ROCKINGHAM COUNTY, SS.

SUPERIOR COURT

Case No. 218-2022-CV-00803

Eric Spofford

Plaintiff

v.

New Hampshire Public Radio, Inc.

Lauren Chooljian

Jason Moon

Dan Barrick

Nancy Bourque

Brian Stoesz

Justin Downey

Defendants

**SUPPLEMENTAL BRIEF IN SUPPORT OF PLAINTIFF'S
MOTION FOR LIMITED DISCOVERY RELATED TO CURING
PERCEIVED DEFICIENCIES WITH COMPLAINT AND REQUEST FOR HEARING**

Plaintiff Eric Spofford submits this supplemental brief to make the Court aware of NHPR's forthcoming podcast series about Eric, NHPR's refusal to interview him before publishing that series, and how NHPR's request for comment confirms the limited discovery Eric seeks will reveal additional evidence for Eric to allege actual malice in the amended complaint. In support of Eric's request for the Court to hold a hearing on, and ultimately grant, the Motion for Limited Discovery Related to Curing Perceived Deficiencies with Complaint (the "Motion"), Eric states:

1. The NHPR Defendants curiously opposed Eric's Motion to Continue the Deadline for Filing his Amended Complaint. They did so even when an aligned co-defendant did not (Brian Stoesz). Although this case is contentious, the parties, through their counsel, have largely acted

consistent with customary, collegial New Hampshire civil practice. For that reason, the NHPR Defendants' refusal to accommodate Eric's reasonable request for a continuance was surprising.

2. But now Eric knows why they were adamant that his amended complaint deadline remain: In early June, according to Defendant Lauren Chooljian, NHPR will publish a new "podcast series" about Eric. *See* Ex. A, Email from Chooljian, L. to Strauss, M., et al. (May 18, 2023). That publication, will, among other subjects, rehash the false and defamatory claims published in the story at the center of this case. And as Chooljian explained, "while [NHPR] sources 'Elizabeth' and 'Employee A' do not allege any additional wrongdoing in this podcast . . . [their] stories will be presented with more context and additional corroboration." *See* Ex. A. Yet that claim of "additional corroboration" conflicts directly with Chooljian's new admission that Lysie Metivier (the former GRC HR Director) also reported to Chooljian—*contrary to Employee A's claim*—that Eric did not have blinds in his office (in addition to not having a couch).

3. NHPR's reporting apparently also will feature a new anonymous accuser—who was neither a patient nor employee, and who for apparently the first time ever and with no indication of corroboration—alleges Eric, in 2009 (*14 years ago*), requested that she send him "intimate photos of herself – and she [allegedly] did." *See id.* The podcast series moreover will cover additional topics like: (i) whether The Granite House in Derry was, as Eric claims, *the* first sober home in New Hampshire (a fact NHPR admits it can neither prove nor disprove); (ii) whether Eric's "lived experience" as an alcoholic and heroin addict who dropped out of high school sufficiently qualifies him to help addicts as opposed to someone with "advanced degrees" in "administration, business or counseling" (as if he operated GRC without hundreds of licensed and college-educated medical and other business, human resources, and counseling professionals); and (iii) whether Eric's lawsuit was an effort to "discredit sources" and "shut down any additional

reporting by NHPR” (where the sources lied and NHPR knew or recklessly disregarded it).

4. When Chooljian sprung NHPR’s plan for a new podcast series on Eric and requested he answer, effectively, 12 multi-part interrogatories, Eric offered NHPR and Chooljian something better: An in-person, unlimited-in-scope interview with him, on just two conditions: (i) Eric would be permitted to record the interview, and (ii) NHPR would publish, contemporaneously with and as part of the podcast series, the complete unedited version of the interview. NHPR refused. *See* Ex. B, Emails between Chooljian, L. and Spofford, E. (May 20–24, 2023).

5. All this is relevant to the Court’s ruling on the Motion because NHPR is using its credentials as a news organization to seek discovery from Eric and third parties while precluding him from accessing discovery from it and its sources. But in publishing a new podcast series about Eric, NHPR and Chooljian have revealed there is *more* information in their possession that would demonstrate their actual malice. The Court thus should grant Eric access to that information so he can fairly amend his complaint, include additional allegations of actual malice (though he believes he has sufficiently alleged actual malice already), and hold NHPR, its reporters, and sources accountable for their false and defamatory statements about him.

Dated: May 25, 2023

Respectfully submitted,

ERIC SPOFFORD

By his attorneys,

/s/ Michael E. Strauss

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Counsel to Plaintiff Eric Spofford

CERTIFICATE OF SERVICE

I, Joseph M. Cacace, hereby certify that this document has been filed electronically and a copy will be served by the electronic filing system, by email, and/or in accordance with Superior Court Rules 3 and 4 on all other parties.

Dated: May 25, 2023

/s/ Joseph M. Cacace

Joseph M. Cacace

EXHIBIT A

[REDACTED]

From: Lauren Chooljian
Sent: Thursday, May 18, 2023 10:04 AM
[REDACTED]
Subject: NHPR inquiry

Hi Laurie and Michael – can you please make sure Eric gets the letter below?

Dear Mr. Spofford:

In early June, NHPR will publish a podcast series that includes our reporting on allegations against you. The series begins with those allegations and then broadens out to explore nationally-relevant context about addiction, sexual misconduct, and the treatment industry. We want to ensure that you have an opportunity to respond prior to publication.

Our deadline for your responses to be included in the podcast is 5 p.m. EST on May 24, 2023.

Some of the allegations were already published in NHPR's March 22, 2022 story (in written and radio broadcast form) entitled, "[He built New Hampshire's largest addiction treatment network. Now, he faces accusations of sexual misconduct.](#)" Where we describe those allegations in the podcast, we will include your previous responses. And while our sources "Elizabeth" and "Employee A" do not allege any additional wrongdoing in this podcast, we welcome any further comment you would like to offer. In the podcast, their stories will be presented with more context and additional corroboration.

The podcast will also take a more in-depth look at your history and the origins of Granite Recovery Centers.

We hope you will be willing to offer comment on the following claims and allegations that appear for the first time in this podcast:

1. A source, appearing under the pseudonym "Andrea," says that she met you in 2009 at a 12-step meeting. She says you asked her, via social media, to send you intimate photos of herself — and she did. She expresses regret about her actions – she was trying to stop drinking, an extremely vulnerable time in her life. She says you took advantage of her obvious lack of self esteem. Do you have any response to this?
2. Andrea describes your behavior as "13th stepping" and says you "really had it down to a science." We have corroborated her story with someone whom she told at the time. Do you have any response?
3. Our podcast presents evidence that 13th stepping can be harmful in all its forms, and that it is common in recovery communities and treatment facilities. As someone involved in the addiction treatment industry, do you view 13th stepping as an obstacle to recovery?

4. You have often said that The Granite House in Derry was the first sober home in New Hampshire. We haven't found evidence to contradict that claim, but we also have found no evidence to support it. Do you have any evidence that proves Granite House was the first?

5. We have found, via multiple interviews and documents, that at times in 2020, Green Mountain Treatment Center was treating more clients than it was licensed for. One former employee said this made the work of caring for clients harder and told us that staff asked GRC leadership to slow down admissions. This source said you and other leaders wouldn't listen. Do you have any comment? Were you aware that Green Mountain had exceeded its state-approved capacity?

a. A former employee says that — at this time in 2020 — Green Mountain began to feel like “a business” and “it's not personalized... like [the client is] just a number.” Do you have any comment?

b. A different former employee recalls that in 2020 “there were 90 people in a group” and “[Eric was] still packing them in,” despite concerns from staff. Do you have any comment?

c. Some sources have said that, in your work in the treatment business, you prioritize profit over helping people. Do you have any comment?

6. Our reporting shows that you were in at least two relationships, publicly, with women who worked for you, even though a GRC employee handbook prohibited such relationships. Do you have any comment?

a. Do you regret having any sexual relationships during your time as CEO with any (now former) employees or clients of Granite Recovery Centers?

7. When I spoke on the phone with Lysie Metivier, she told me you did not have blinds in your office. This was a detail Employee A had shared with me, but Metivier said my source was incorrect. Later, when you produced an affidavit from Metivier, she stated that the detail my source had gotten wrong was not the blinds, but the couch. Metivier said you did not have a couch in your office. It was your office, but you have never personally clarified the facts. Did you have blinds? Did you have a couch?

8. When Piers Kaniuka agreed to send a letter to NHPR expressing “regret,” you wrote in a Facebook post (since deleted), “When my lawyers told Piers' lawyer that we were going to sue him for his defamatory statements, he negotiated a settlement.” What were the terms of that settlement?

9. Multiple sources I spoke with, as well as academic and government reports, say that the addiction treatment industry needs more “professionalization.” Among other things, this means it needs leaders with advanced degrees that are relevant to their work, such as administration, business or counseling. These same experts also believe that lived experience (i.e. one's own addiction experience) is extremely valuable, but not enough on its own. You do not have any degrees, and stated in a 2018 speech at GRC that “nobody is more qualified to help addicts besides recovered addicts.” One source, an experienced treatment industry executive, told me that this mindset is “like saying... ‘Hey, I'm a cancer survivor. Let me tell you what kind of chemotherapy you should have.’” Do you have any comment?

a. You are offering a training, "[Learn How To Start Your Own ADDICTION TREATMENT CENTER!](#)" Do you believe your course is the only training a person would need before opening a facility? Or do you recommend particular degrees or other professional training? If so, what do you recommend?

10. Many sources in this podcast suggest that your legal responses to the original story were attempts to discredit sources, shut down any additional reporting by NHPR, and to scare additional women from coming forward. One source referred to it as "gaslighting." Do you have any comment?

11. In the podcast, we will describe the outcome of the lawsuit you filed. Do you have any comment on its dismissal? Do you intend to appeal the decision to the New Hampshire Supreme Court?

12. In an interview, one source says that you are "gaslighting all of us. Like, he's putting these things out there to split us all apart." This source is referring to legal threats and letters — including Piers Kaniuka's — as well as the lawsuit. Do you have any comment?

We welcome any responses by 5 p.m. EST on May 24, 2023.

Thanks for your time,

Lauren Chooljian | Senior Reporter/Producer
(she/her/hers)

T: [@laurenchooljian](#)

NHPR | 2 Pillsbury Street, 6th Floor, Concord NH 03301

EXHIBIT B

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Eric Spofford <eric@spoffordenterprises.com>
Date: May 24, 2023 at 8:08:48 AM EDT
To: Lauren Chooljian <lchooljian@nhpr.org>
Subject: Re: Your inquiry

Lauren,

I did not refuse your interview. I accepted it under the condition you publish the entire interview.

Here is my quote for your story. Please use it in its entirety and do not continue to censor and manipulate.

"I offered to do a sit down, tell all, interview under one condition; NHPR publish the entire interview. But NHPR and Lauren are not interested in fair, unbiased, ethical journalism. They refused my interview because they want to censor me to fit their narrative."

Best,

Eric

Eric Spofford
www.spoffordenterprises.com

On May 23, 2023, at 11:32 AM, Lauren Chooljian <lchooljian@nhpr.org> wrote:

Eric,
It appears you are declining my offer to do a phone interview today at 3. If that's not the case, I look forward to calling you then. Please let me know what number to reach you at. If you want to make your own audio recording, you're free to do that.

Again, as a news organization, NHPR doesn't give the subjects of its stories editorial control over their content. So, agreeing in advance to publish an entire unedited interview is not something we do.

If you have something to say, please send it our way or let me know when I can call you and at what number before 5:00 pm on Wednesday.

Lauren

From: Eric Spofford <eric@spoffordenterprises.com>

Sent: Monday, May 22, 2023 7:08 PM

To: Lauren Chooljian <lchooljian@nhpr.org>

Subject: Re: Your inquiry

Lauren:

I asked to sit down with you in person for an open-ended discussion, you said no.

I asked you to be able to film and record our conversation, you said no.

I asked to be able to talk live in person and just audio record, you said no.

I asked that the full recording be made available to listeners and visitors to the NHPR as part of the podcast/story, you said no.

Instead, you're now offering me a telephone call interview which you can edit as you see fit and that I should trust you to be fair.

You seem to be working very hard to make it impossible for me to do an interview with you and to prevent your listeners from hearing from me. I have to ask: What are you hiding? What are you afraid of?

Let me make one last attempt here. I will sit for an interview with you in person. We can talk about whatever you want so long as I can audio record it and NHPR publishes the unedited recording of our interview as part of the podcast/story NHPR is publishing in June.

Best,

Eric

Eric Spofford

www.spoffordenterprises.com

On May 22, 2023, at 5:40 PM, Lauren Chooljian
<lchooljian@nhpr.org> wrote:

Eric,
Thanks for getting back to me.

I'm glad to hear you are still open to an interview. I could talk by phone tomorrow or Wednesday (before our deadline for comment at the end of that day). How about 3pm Tuesday? And what's the best number for you?

As for your conditions, we never give any source full editorial control over what we publish. I will make the determination with my team as to what goes into the podcast after the interview is conducted. We would of course do our best to fairly report what you have to say.

We don't see anything further to negotiate here. Either we do a phone interview before 5pm Wednesday or we receive your answers in writing by that same deadline.

Thanks,

Lauren

From: Eric Spofford <eric@spoffordenterprises.com>

Sent: Monday, May 22, 2023 2:29 PM

To: Lauren Chooljian <lchooljian@nhpr.org>

Subject: Re: Your inquiry

Lauren,

I'll revise my conditions to make this interview happen. Written questions and answers isn't a fair process for you to learn the truth here. You and NHPR know that.

I'll do an audio-only interview, no restrictions on the subject matter or questions, on two conditions: (1) I also may record it (audio only) and (2) NHPR agrees to publish the complete, unedited version of our interview as part of the podcast/story NHPR plans to publish in early June.

Assuming you agree, we can get the lawyers to put our deal in writing and get a date scheduled for us to meet.

Let's do this.

Eric

Eric Spofford
www.spoffordenterprises.com

On May 22, 2023, at 12:58 PM, Lauren Chooljian
<lchooljian@nhpr.org> wrote:

Eric,

Thank you for your email. I appreciate your interest in responding to our questions in an interview. It's important to us that you have a chance to address the allegations we will be publishing.

This is an audio project; there is no video element. As such, we cannot agree to you recording with a video crew.

As for your request "that we treat the interview more like a discussion," our original offer stands: We have sent you questions — and we are eager to hear your responses in audio interview or written form. However, given that it is standard journalistic practice for reporters to interview the subjects of their stories, rather than being interviewed by them, and also given the status of the lawsuit you filed against me, I will not be taking any questions from you.

We believe this gives you a fair opportunity to respond to the allegations against you.

I look forward to hearing those responses by the original deadline: 5 p.m. May 24th.

Thanks,
Lauren

From: Eric Spofford <eric@spoffordenterprises.com>
Sent: Saturday, May 20, 2023 8:04 PM
To: Lauren Chooljian <lchooljian@nhpr.org>
Subject: Your inquiry

Lauren,

I'm surprised you reached out, but glad you did. If you're

interested in the truth, then I'll answer these questions and any other questions you may have during an in-person interview, on just two conditions. The first condition is that I get to bring my own camera crew and record the entire thing. The second condition is that we treat the interview more like a discussion where I also can ask you questions.

Do you really care to know the facts here? Do you want to learn about the treatment industry for real? If so, then let me know some dates and times when you're available and I'll try my best to accommodate your schedule.

Talk soon.

Eric

Eric Spofford

www.spoffordenterprises.com