

**From:** Noam Chomsky <[REDACTED]>  
**To:** Vincent Pisegna <[REDACTED]>  
**Cc:** Valeria Chomsky <[REDACTED]>  
**Bcc:** jeevacation@gmail.com

**Subject:** Fwd: petition

**Date:** Wed, 08 Aug 2018 07:02:16 +0000

**Attachments:** Max\_attachment.pdf

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Here's the information we have been able to find:

On August 15, 2017, Max wrote to our lawyer that he had requested an accountant in his office to review the annual reports (2009 – 2016) for the Carol Chomsky "GST Exempt" and "GST Non-Exempt" Marital Trusts. He wrote further that the reports are from both Goulston & Storrs (as successor trust company affiliate to Edwards Wildman Palmer and Locke Lord) and Bainco and that the total runs between 2,500 and 3,000 pages. He estimated that the cost of a full-blown accounting would be around \$10,000 for each trust. Alternatively, he said, they could compile the data into summary report format (with the annual reports attached as exhibits) for around \$5,500 per trust.

On August 20, 2017, our lawyer wrote me that after many requests, Max wrote that he could provide a summary that would provide "all of the financial information for each year in categories and has the annual account statement with all of the transaction details attached. This will be the information you will need in order to determine if you have any additional questions, and can be accomplished more quickly. The cost to each trust for each year will be \$5,000 per account."

On Aug. 24, 2017, Max wrote to the lawyer that he had reviewed the preparation of the summary reports with his staff and that they expected to have the reports ready by September 15.

We have no record of having received this summary.

On Jun 5, 2018, Max responded to Richard's request for a list of the total income and detailed expenses for the trust information about the Trust, saying that he was unable to provide it right away for personal reasons, suggesting that they discuss it by phone.

Evidently he then sent Richard something, because on June 18, 2018, Richard wrote to Max saying that Max had only sent "net numbers," and that he had asked for a list of total income and a detailed list of expenses.

Max wrote back (same day), in an encrypted message, that he had the information for 2017 and 2018 (to date) and was providing in an attachment, which I am attaching here.

I don't know if this information is relevant, but Max added in the same letter that he had received the information from Bainco, and that it is in quarterly blocks, with each block showing separate figures for the Exempt and the Non-Exempt trusts. He also said that he is charging legal fees against principal and income on an 80/20 basis, instead of the usual 50/50 basis, so that the fees will not have such a severe impact on the net income distributable to me.

We have received nothing further.

Meanwhile, at Richard's suggestion, I began writing letters to Max asking for the same information, and he responded that he is collecting it. On July 16 2018, Max wrote me that the reports that he provided to Richard included figures from January 1, 2010 forward, but perhaps not in all the detail that Richard was looking for (and not covering 2009). He wrote further that he was gathering information from his records and from Bainco about all of the trust distributions starting in 2009, including the date of distribution, the recipient and the amount, and said that he would get back to me with the information as soon as he can. He also said that he would be able to provide me with annual portfolio statements for each account, and that from these statements I should see how the portfolios have been invested and how they have performed (both as to income generated and as to appreciation of holdings).

On July 25 2018, he wrote me that he had obtained distribution reports for both trusts from Bainco and from Goulston & Storrs (the firm where the Palmer & Dodge trust records from 2009 to 2015 are now held -- Palmer & Dodge managed one trust account until 2015, when it was consolidated with the trust accounts at Bainco). He said that the reports cover the period from January 1, 2009 to July 1, 2017. He also wrote that because some of the items in the Goulston report are unclear (such as a 2015 distribution of Qualcomm stock that the report says went to me, but which he thought was actually a charitable gift), he was asking Goulston to check their records for him, and wrote that as soon as he had the answers to these questions he would send me the reports.

As of today (Aug. 7), I haven't heard anything from him.

That is all the information I have. I am sure Richard Kahn can fill in further details.

Noam

----- Forwarded message -----

From: **Vincent Pisegna** <[REDACTED]>  
Date: Tue, Aug 7, 2018 at 9:01 AM  
Subject: RE: petition  
To: Noam Chomsky <[REDACTED]>

Yes, please send me the details that you received regarding payments for 2017 and 2018. We will demand further records in connection with the claim against Max and Harry for breach of fiduciary duty, assuming that the materials from Rich Kahn support such a claim. Meager payments to you are consistent with what you and Kahn have said about management of the trust assets, i.e., assets are placed in long term positions that do not produce much income.

Vincent J. Pisegna

Krokidas & Bluestein LLP

[600 Atlantic Avenue](#)

[Boston, MA 02210](#)

Tel: [REDACTED]  
Fax: [REDACTED]

[REDACTED]  
[REDACTED]

**From:** Noam Chomsky <[REDACTED]>  
**Sent:** Tuesday, August 07, 2018 11:18 AM  
**To:** Vincent Pisegna <[REDACTED]>  
**Cc:** Valeria Chomsky <[REDACTED]>  
**Subject:** Re: petition

Sounds very good.

I've been trying for a long time to get Max Kohlenberg to send me records of what has been happening with the Trust since I asked Harry to replace me as Trustee in 2009. Records about what has been disbursed, to whom, and so on. I don't have any idea even whether I've received the income payments, at least until I asked last year and a check came in the amount of \$5,719 (April 6) -- I have no idea whether it is correct. We just received two checks, in the name of Carol Chomsky Exempt Marital Trust (\$6,396), the other from Carol Chomsky non-Exempt Marital Trust (\$297). They seem rather meager, but I have nothing to compare them to.

He sent information about payments for 2017 and 2018, but without indication of where they went. About the rest, he keeps telling me that he is collecting records. Should I write him again to ask? Should you perhaps? Would you like me to send you the full details that we received about payments for 2017 and 2018?

Noam

On Mon, Aug 6, 2018 at 8:26 AM, Vincent Pisegna <[REDACTED]> wrote:

Hi Noam. Here's what is happening. I am waiting for trustee accounts from Rich Kahn to assess whether you have a claim against the trustees for breach of fiduciary duty and otherwise. Procedurally, this Friday we are to file a Notice of Appearance in the Probate Court which signals our intention to oppose the petition. We then have 30 days to file an affidavit of objections setting forth the basis for our opposition to the petition. I would

like to file at or about the same time an action in the Probate Court alleging breach of fiduciary duty against the trustees if we can make out a case. That would put us in the strongest position to perhaps negotiate a settlement or to proceed with the case.

Let me know if you want to do a call.

Vincent J. Pisegna

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Tel:

Fax:

**From:** Noam Chomsky <[REDACTED]>

**Sent:** Sunday, August 05, 2018 9:17 PM

**To:** Vincent Pisegna <[REDACTED]>

**Cc:** Valeria Chomsky <[REDACTED]>

**Subject:** petition

We were wondering how matters are proceeding with regard to the court petition and our reaction to it. Is there some further information that you need? Anything we should be doing? Any developments that we should know about?

Noam

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