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Fed judge set to hear nanny's bid to quash lawsuit award

By RALPH RANALLI

A federal judge today is scheduled to hear arguments on British nanny and convicted child-killer Louise Woodward's 11th-hour bid to stave off a multi-million dollar wrongful death award.

Tuesday morning, lawyers for Sunil and Deborah Eappen asked U.S. District Court Judge William G. Young to award them as much as \$9 million from Woodward, who to that point had opted not to fight the five-month-old lawsuit.

But late that afternoon, two Boston attorneys for the former au pair filed papers seeking to prevent any award and overturn the wrongful-death judgment made against their new client by default in June.

Woodward was convicted of second-degree murder in the "shaken-baby syndrome" death of 8-month-old Matthew Eappen last year, but the charge was later reduced to manslaughter.

Lawyers for the baby's parents

filed a response yesterday to Woodward's latest move, calling it too little, too late.

"Defendant offers no explanation of any kind for her failure to appear and defend this action," the motion filed by attorneys Fredric Ellis of Boston and Edward Bassett of Worcester states. "For all that appears in her motion, defendant has simply changed her mind."

The Eappens' lawyers are expected to argue that Woodward's default was "willful" and therefore should not be reconsidered by Young.

Woodward's lawyers in England insisted she had no money left to fight the lawsuit. There was widespread conjecture this summer, however, that the former nanny — who returned to England after serving 279 days in jail — had made a strategic decision not to fight the lawsuit because American civil damage awards are difficult, if not impossible, to collect overseas.

The Eappens, saying they wanted to keep Woodward from profiting from sales of her life story, filed the lawsuit in June, the same day the state Supreme Judicial Court upheld her reduced conviction and sentence.

Woodward was originally represented in the civil suit by Boston attorney Norman Zalkind. A week after it was filed, however, Zalkind said Woodward had fired him.

On June 29, Young issued an injunction ordering that any proceeds from the sale of Woodward's life story be immediately frozen.

On July 8, Young issued a default judgment against Woodward after no new attorneys appeared in the case to take Zalkind's place.

The Eappens' most recent motion called the appearance of Woodward's new lawyers, John P. Ryan and Myles W. McDonough of Boston, a calculated "change of strategy" that "smacks of manipulation, if not bad faith."

Trooper cleared in lawyer-arrest probe

By BEVERLY FORD

The state trooper who arrested lawyer Elaine Whitfield Sharp on a drunken driving charge has been exonerated of any wrongdoing by his superiors.

"He's tremendously relieved," said attorney Timothy Burke, who represented Trooper Randy Cipoletta during an internal state police investigation.

Whitfield Sharp, who represented former nanny Louise Woodward at her murder trial for the shaking death of 8-month-old Matthew Eappen, filed an internal complaint against Cipoletta after he stopped her for drunken driving on the Lynnway last May.

In his report on that arrest, Cipoletta wrote that the 44-year-old lawyer told him she was having a hard time reconciling her feelings over Woodward's conviction.

"I thought she was innocent but now I know she is guilty and I can't handle it," Cipoletta quoted her as

saying. In her complaint, Whitfield Sharp alleged Cipoletta taunted her about representing Woodward and made sexual advances to her. She never testified, however, during the investigation into those allegations.

Yesterday, Whitfield Sharp's husband, Dan Sharp, issued a statement from his wife in which she said she refused to participate in the internal probe "because the state police broke their promise of keeping the investigation confidential."

Whitfield Sharp also maintained she said nothing about Woodward's guilt or innocence during her arrest and continues to believe that Woodward had nothing to do with Eappen's death.

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