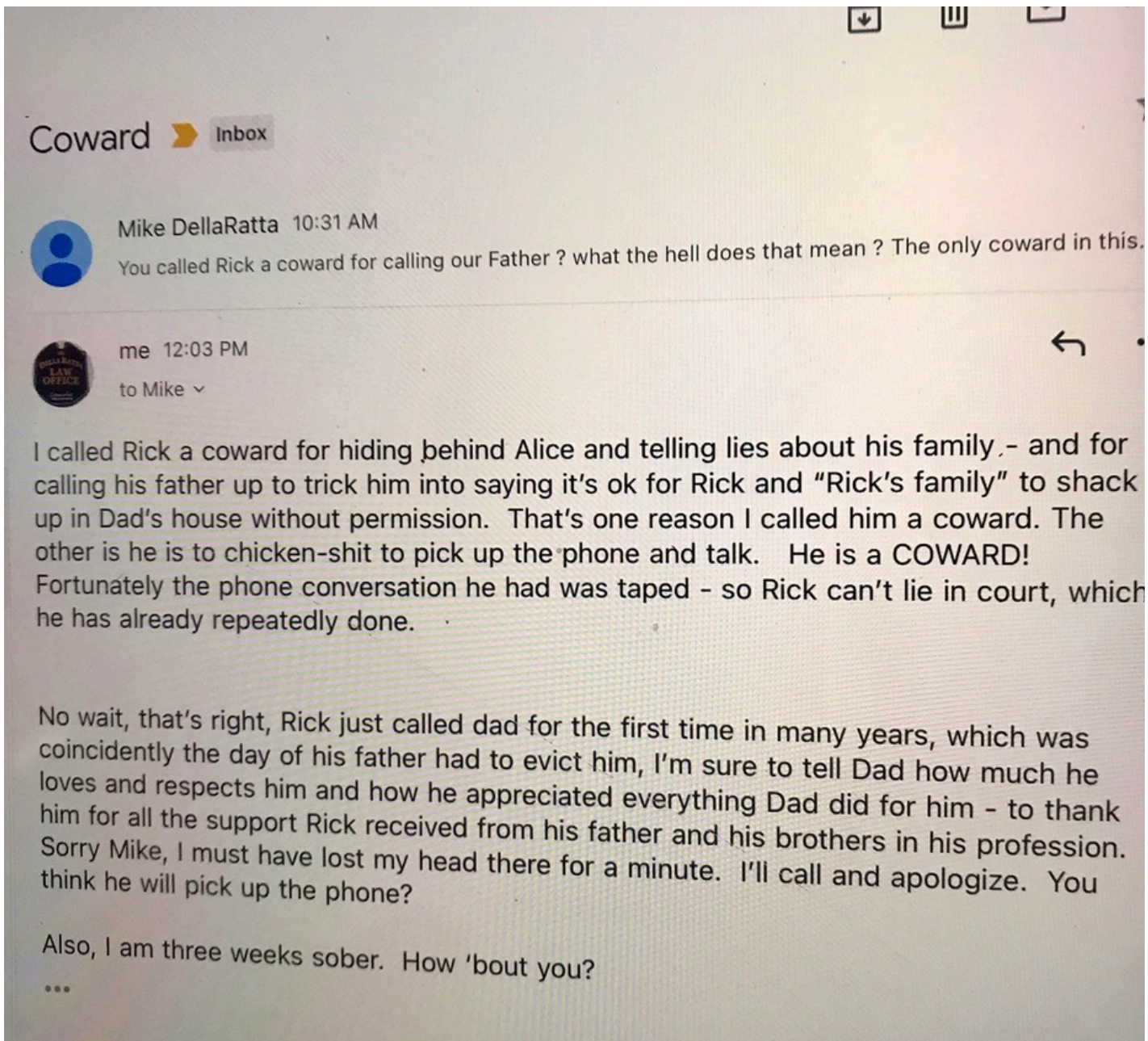


*Summary: The statement about not calling my father "in years" shows that my brother (POA) is seeking to alienate me from my father using false statements about me not making contact. The examples below show how these things my brother did were intended to and in fact did cause severe alienation from my father.*

### **UNDUE INFLUENCE OF POA**

Below is a complete word for word dissection of this post sent from POA John DellaRatta on March 13, 2021 to his brother Mike DellaRatta on a thread which included additional family members Peter DellaRatta (brother), Rick DellaRatta (brother and petitioner) and Diane DellaRatta (sister in law).

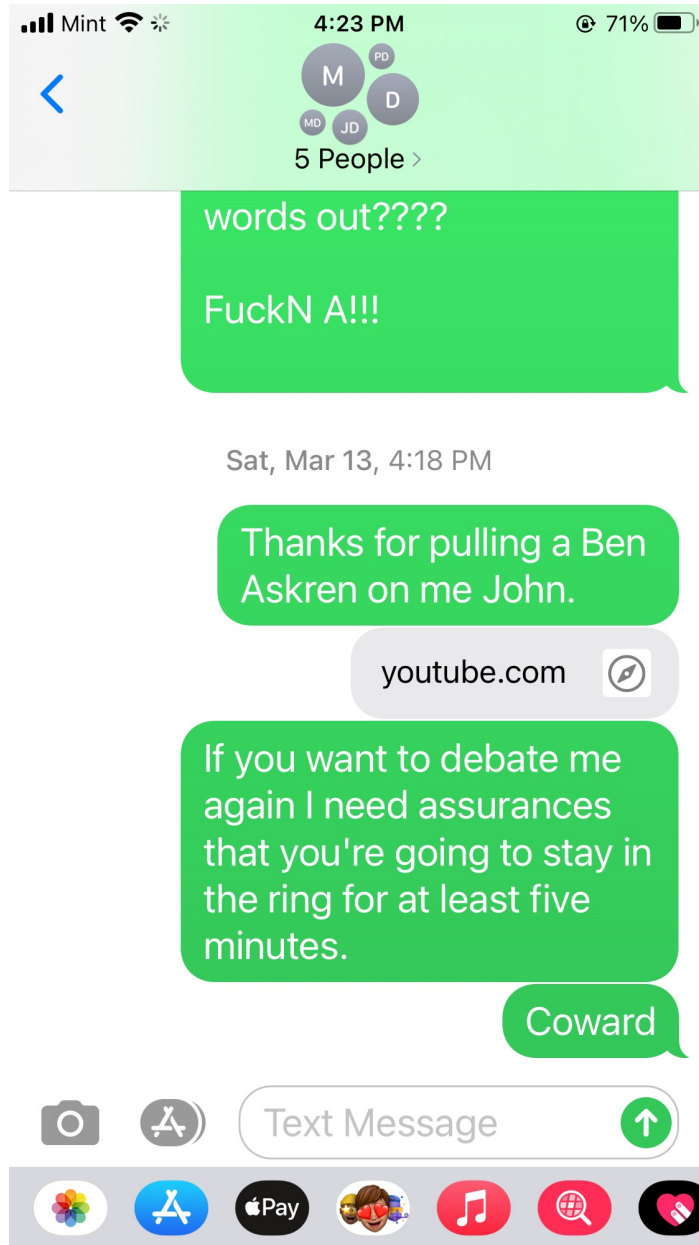
The information below will show how every single word of this post from the POA is false from the very first word written to the very last and since he has also told these lies to my father he has not just defamed me but he has done so to unduly influence my father.



1. Word #1 - "COWARD" - on the upper Left Hand side of the Page.

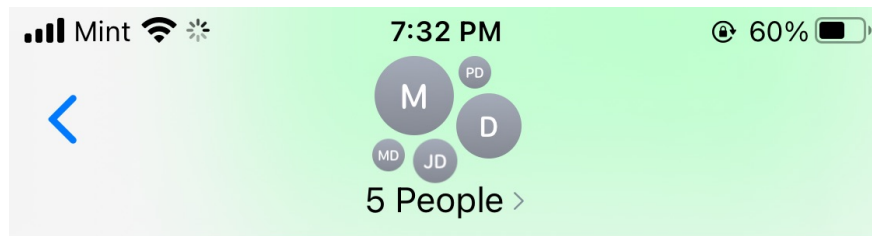
This accusation is 100% false. Below is the last page and then full thread where the POA posted this defamatory message.

Here is a screenshot of the last page of this thread before the POA quickly reversed course and blocked himself from every single one of us after realizing that the SCAM that he has been pulling off on his father was ABOUT TO BE REVEALED!



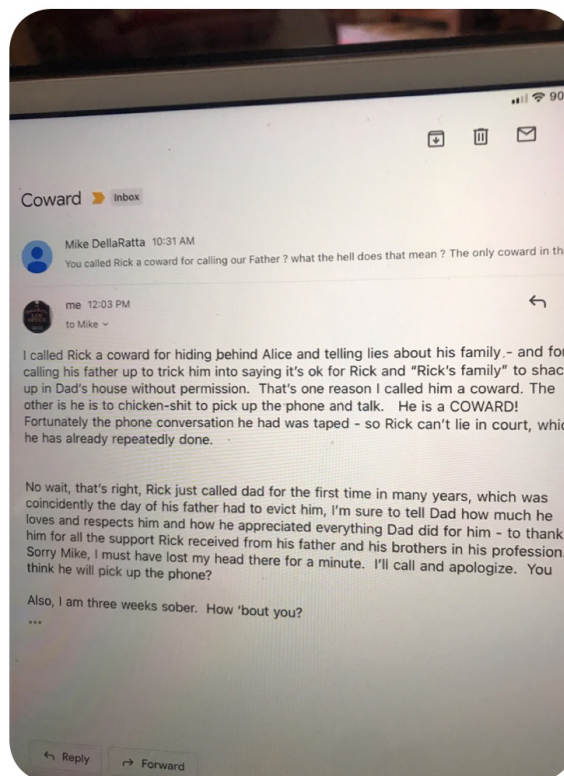
Just to clarify: That really IS actually ME calling him a coward at the end of this discussion. NOT THE OTHER WAS AROUND.

HERE IS THE ENTIRE THREAD OF THIS DISCUSSION showing him gathering up the courage to debate for just a few seconds, quickly realizing he was in way over his head and about to be exposed and quickly trying to get off the thread so he would not be found out by the entire family.

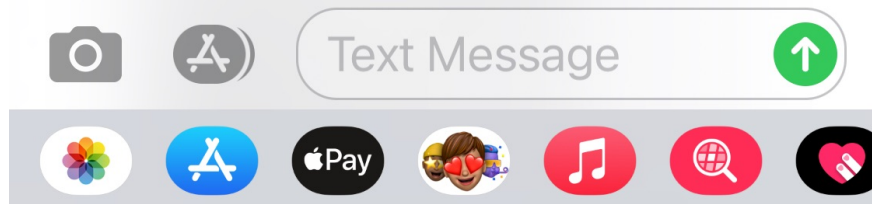


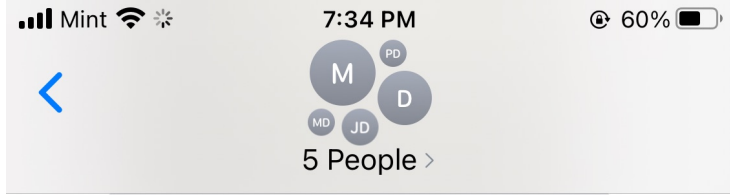
Sat, Mar 13, 1:39 PM

Michele Daly



Here it is Rick. If you were man enough to pick up your phone yesterday I





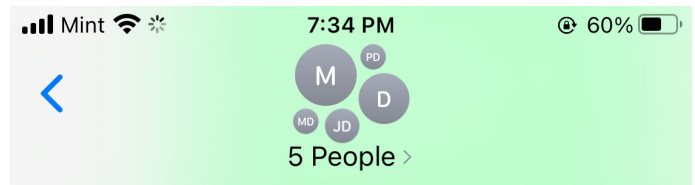
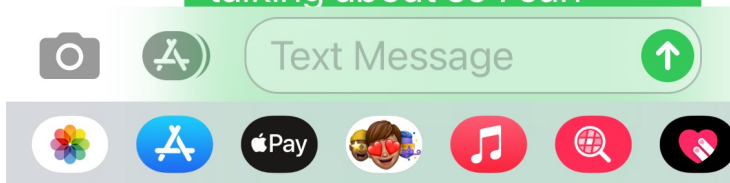
Here it is Rick. If you were man enough to pick up your phone yesterday I would have told this directly to you. Any question?

M

Are you throwing a whole bunch of gobbledygook onto the wall and hoping something sticks?

What exactly are you trying to say John?

Actually I dare you to reply back and tell me one single thing that you are talking about so I can



Actually I dare you to reply back and tell me one single thing that you are talking about so I can address it.

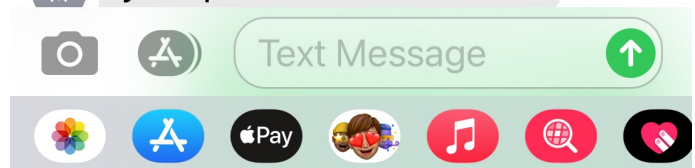
Pick any one of those points and try to sneak it by me and see how well you do in this conversation.

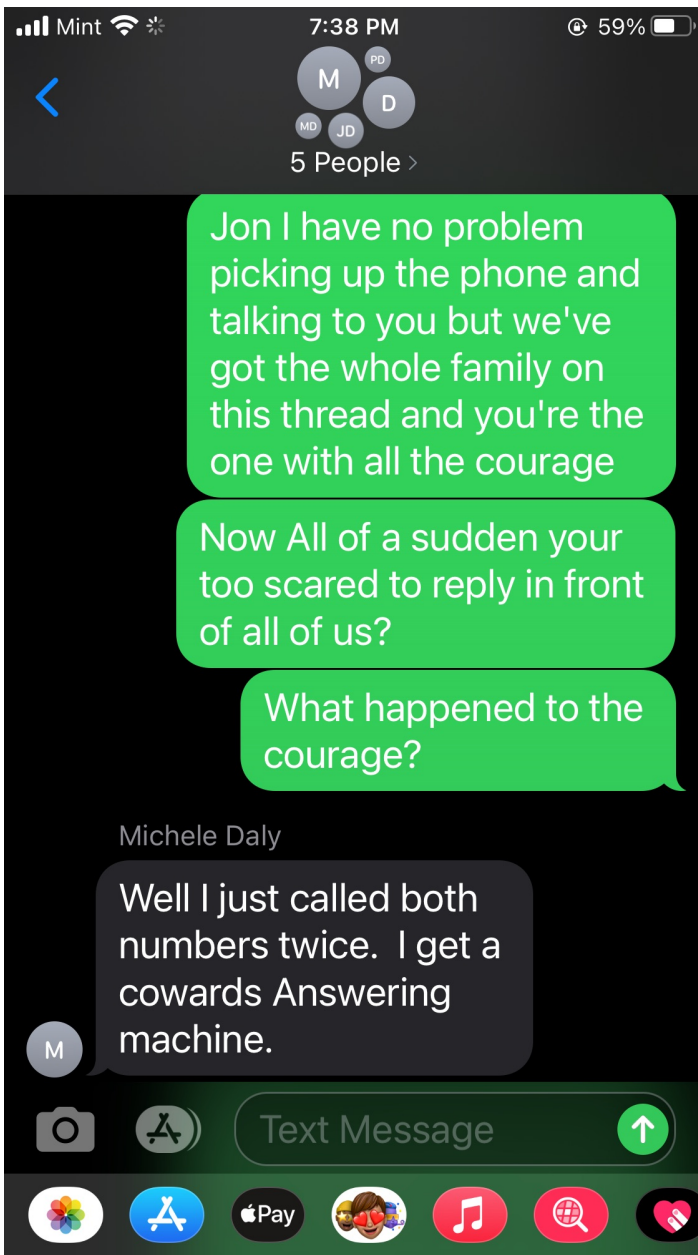
Do you have the courage to do that?

Michele Daly

I'm calling you now Rick. How about you pick up your phone

M





I'm ready to talk to you right here in front of everybody  
I want to see how well you do!  
I can't wait 😊

Come on John  
I'm waiting.....

Michele Daly

M Ok. Answer last text.  
Rent? Utilities?

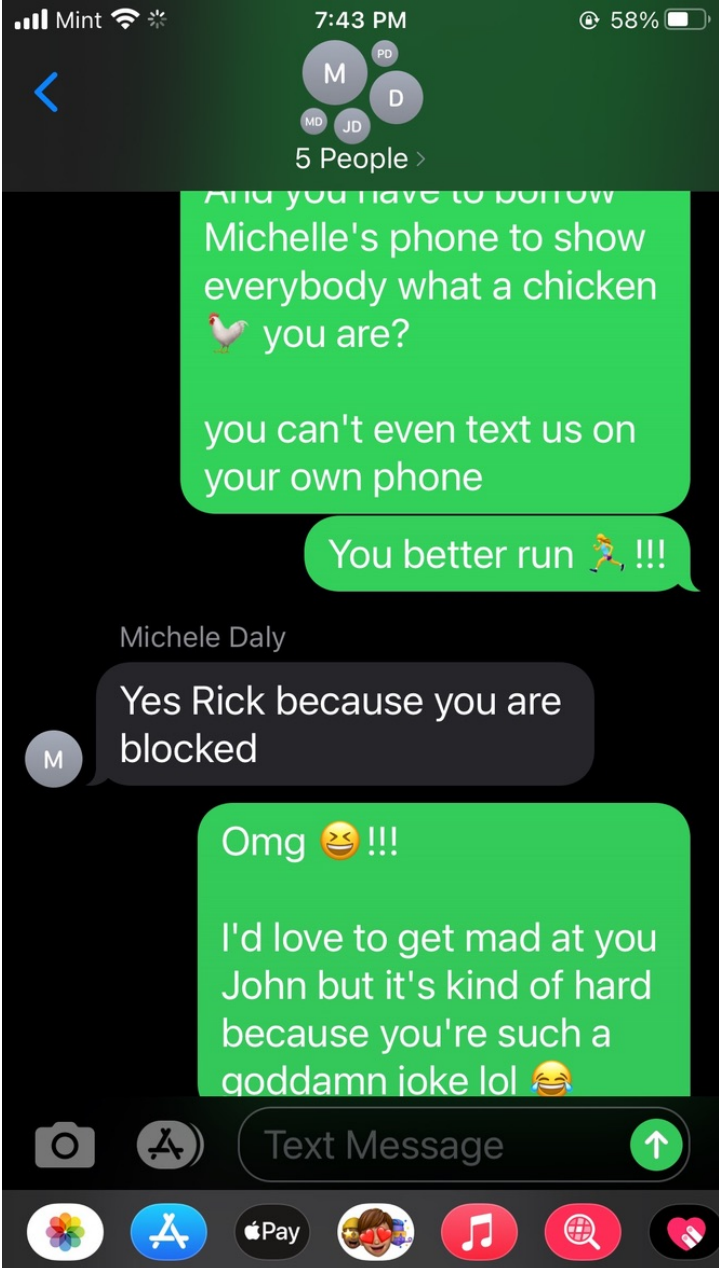
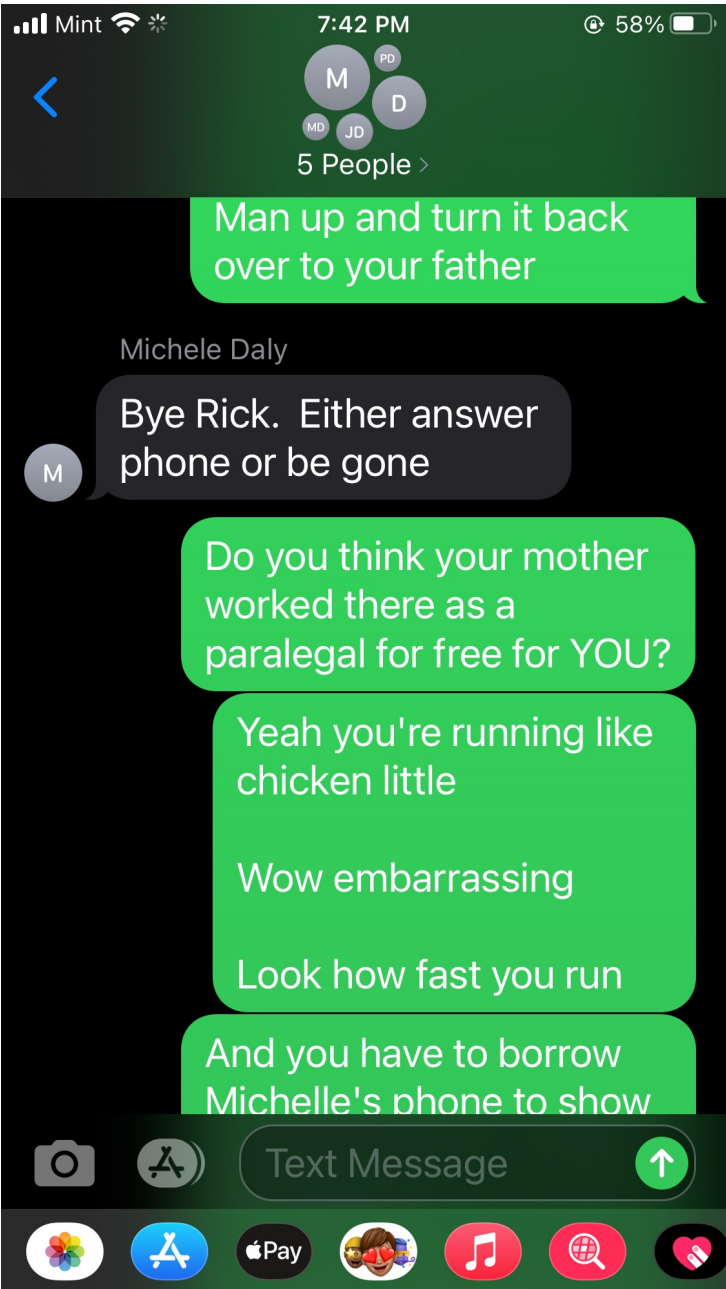
Man of courage.....

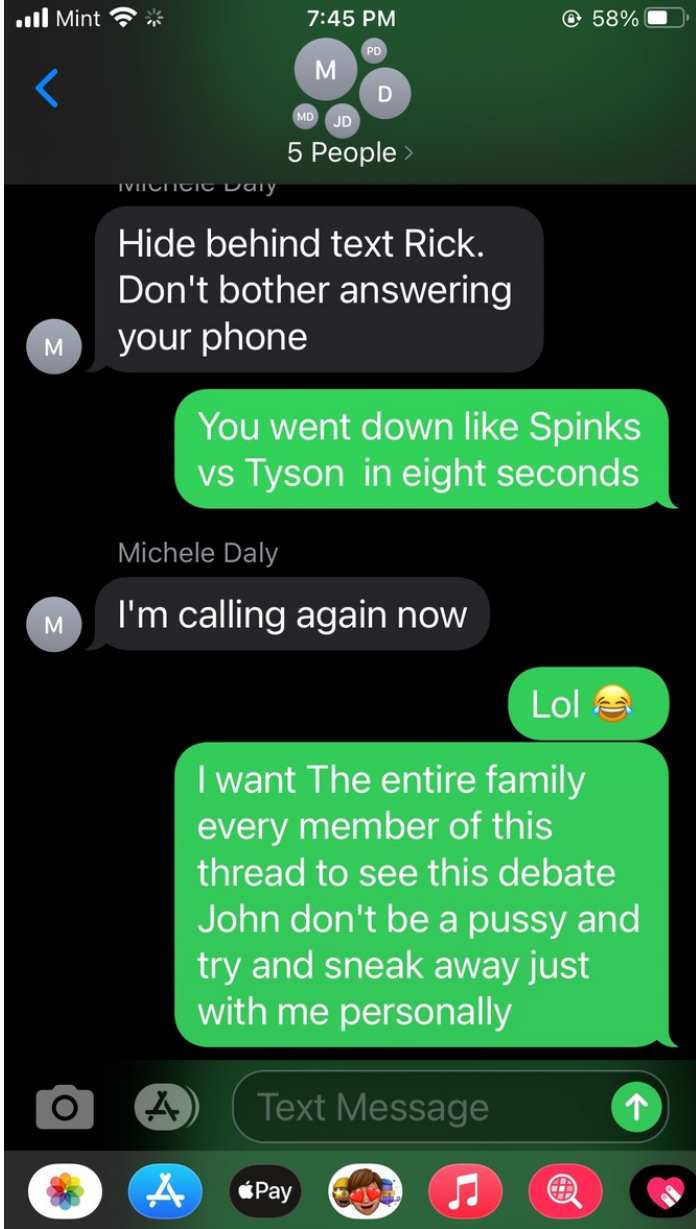
Man of courage.....  
Remember?  
Dont Pussy off the phone

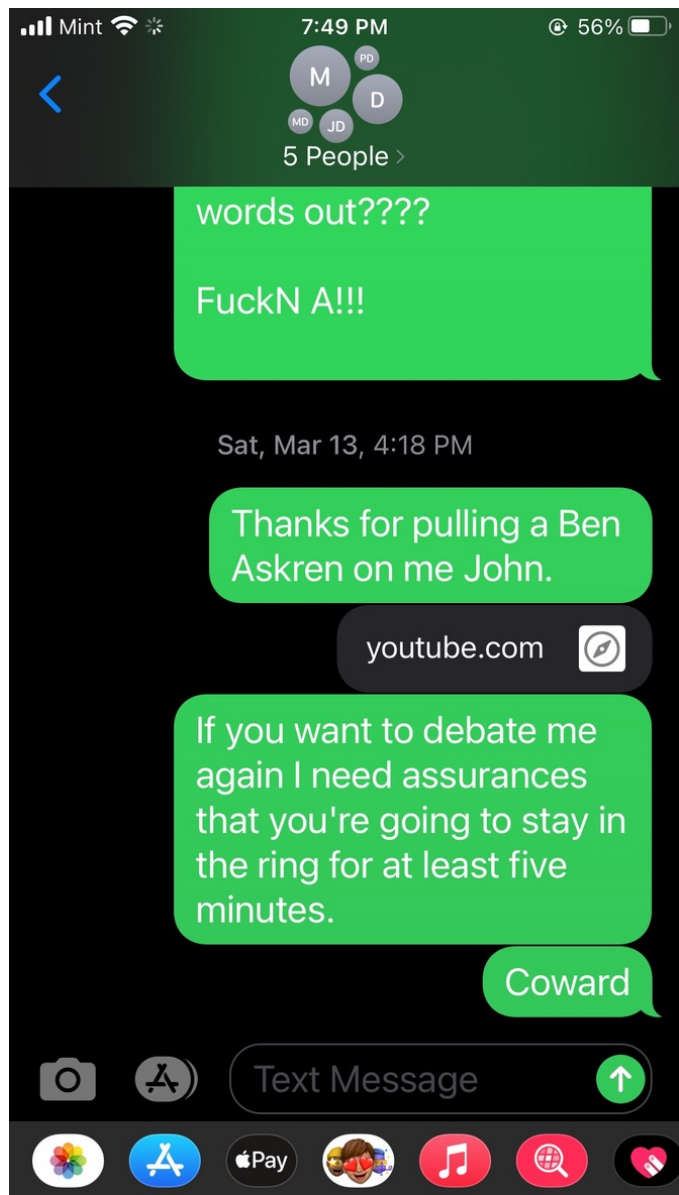
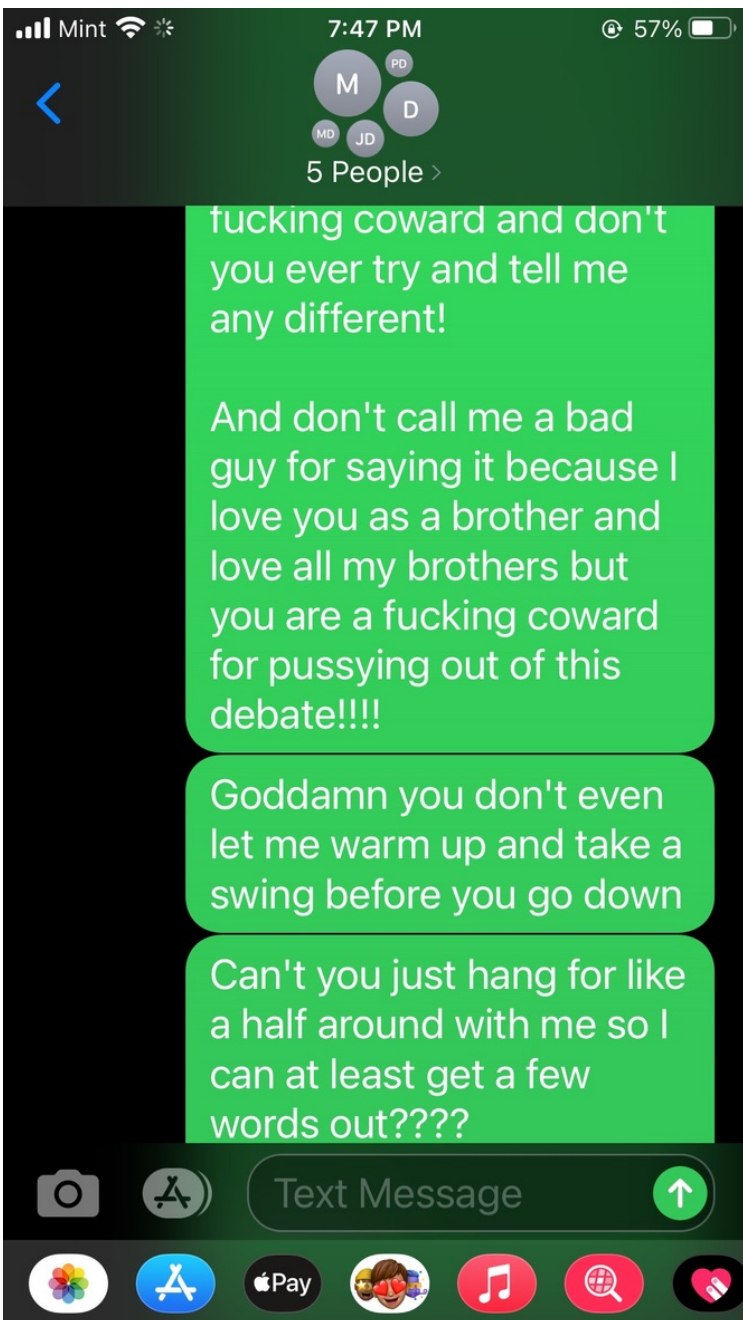
Michele Daly

M How about asking permission to move your "family" in someone else's house?

Yes John rent and utilities for our family business  
147 Barrett St.  
Man up and turn it back over to your father







Ok that's the first word. Let's move on.

2. The next sentence below that very first word is the ONLY words of truth on the entire page and that's because it was spoken by Michael DellaRatta as follows: "You called Rick a coward for calling our Father? What the hell does that mean? The only coward in this (is you)."

3. First paragraph. Defamatory Statement: "I called Rick a coward for hiding behind Alice and telling lies about his family....."

Why this entire paragraph is defamatory:

As you can clearly see from the thread above, I am not hiding behind anything. I am not "tricking" my father. I am not "shacking up" anywhere. Once again, not only am I not "afraid" to talk, but I am in fact literally begging him not only to "talk", but to do so in front of everybody where he can't hang up the phone or block me if he doesn't like what he hears and he can't smear, defame and sucker punch without the rest of the family seeing him for the spineless, scamming, opportunistic and pathetic reduction of a human being that he has become after pulling this scam and so many others which is exactly why he couldn't WAIT to race off of that thread and cower away from accountability.

And finally - I have never, EVER, lied in court.

Second Paragraph: "No wait, that's right, Rick just called dad for the first time in many years,....."

First of all, this is the same phrase he got caught coaching my father as was seen on the recording (<https://vimeo.com/531181169/f5938ea577>) where my father literally says the same thing and then realizes and recants after being reminded how incredibly untrue it is. This is a clear example of how the power of attorney has taken advantage of my father. And below is a clear example of how that the power of attorney has exercised the power improperly.

Here is why THIS entire paragraph is defamatory:

- A. These are the family photo's of my father with all of us taken just a few months ago and which you have already seen if you listened to the audio recording which I had previously submitted (see that mp4 audio recording again here: <https://vimeo.com/531181169/f5938ea577> with just family photos only here: <https://jazzforpeace.org/mayjunefamilyphotos.pdf>)
- B. Here is a partial listing which still has over 118 articles about events that include the concert where the person who wrote the article interviewed my father (as mentioned in the recording) along with countless more that were attended and enjoyed by myself AND my mother and father: <https://jazzforpeace.org/articles.pdf>
- C. The allegations made by the POA in this paragraph are so absurd that to even insinuate that I had no appreciation of my parents appreciation of me or vice versa would literally be equal to approaching Tiger Woods and accusing him of having no appreciation for the game of Golf.

It REALLY IS that ridiculous and to go over it too much (though I would be more than happy to parse each and every word to show you its intrinsic falsehood) would really be taking away from the entire point which is NOT the clear and unconscionable defamation being committed by the POA for his own personal gain but simply that my father has a need and the POA is not filling that need and/or taking advantage of his authority.

1. My father needs a guardian because he is not capable of caring for himself independently.
2. By exercising extraordinary Undue Influence, the power of attorney has taken advantage of my father.

For example: Here is how and why these false statements just about me changed my father's mind and influenced his decisions.

***The statement about not calling my father "in years" shows that my brother (POA) is seeking to alienate me from my father using false statements about me not making contact.***

***The examples below show how these things my brother did were intended to and in fact did cause severe alienation from my father.***

- A. My father, when I called, had believed (as he said on the recording) that he had been left out of my marital life as a father in law and a grandfather. And not hearing from me in years - my life all together.
- B. This is something he not only could but did indeed find resentful, insulting, unappreciative, un-inclusionary, and in doing so become MORE dependent and favorable to the POA.

C. Being that the POA would absolutely FOR SURE gain financially if my efforts to credit my deceased brother, my mother, and numerous other family members for their integral and indispensable role in the first 30 years of the growth of the Family Law Practice that he was never a part of were to fail (as detailed in this letter that I wrote for him <https://jazzforpeace.org/july2020agenda.pdf> and requested that he deliver to my father and which he has refused to do), changing my fathers mind in this way would be and has been an asset to him. It would help and so far has helped him in his efforts to continue to scam the rest of the family that WAS part of those 30 years by making my father more dependent on him and by turning him against me. Without me, who would then be able to call him out on his fraud the way it is being done in this document as detailed further below?

D. In addition, you have just witnessed all of the OTHER lies that he told my brother mike (a total of 9 lies in only TWO paragraphs - 10 total unless you believe that he has just started a life of sobriety - in which case I have a bridge for sale for you connecting manhattan and brooklyn). If he can tell THAT many lies to one brother that he rarely sees in just 2 paragraphs, how many could he tell a vulnerable, alleged incapacitated elderly whom he has access to 7 days per week and everything to gain personally by trying to pass on the exact same and more lies, smears and deception?

3. Above and below is a clear example of how the power of attorney has exercised the power improperly. This opportunistic, sneaky and spineless POA has been caught telling lies to my father, and based on the other things he lied about to my brother it can easily be inferred in conjunction with his vested interest to do so that he also told these other same lies to my father as well, in addition to an all day/seven day access within just a few minutes proximity to tell him an endless multiplicity of additional lies when and as they suited his needs and self interests.

In the family thread that he quickly abandoned, the POA did so because he was about to find out in front of the whole family that I now KNEW something that I had always suspected and which was finally confirmed on a 2018 commercial that I was hired to act in for the Morgan & Morgan Law Firm (<https://jazzforpeace.org/actingresume.pdf>) and that was - the significant importance of a Law Firm to be the first name that people thought of (and therefore the first call that they make) when they find out that they are in need of legal services.

During the time that this POA was being pulled out of public school because of disciplinary issues and sent to an academy, [my brother Joey](https://www.thriftbooks.com/w/joey-an-inspiring-true-story-of-faith-and-forgiveness_joseph-f-girzone/699545/item/3242142/?gclid=CjwKCAjw6qqDBhB-EiwACBs6x9cHkUzrzPXNOp2d-75pF8yNVIVtMS4LOuXtXC5HPy_GpJC-yPHfqRoCxtUQAvD_BwE#idiq=3242142&edition=2382017) ([https://www.thriftbooks.com/w/joey-an-inspiring-true-story-of-faith-and-forgiveness\\_joseph-f-girzone/699545/item/3242142/?gclid=CjwKCAjw6qqDBhB-EiwACBs6x9cHkUzrzPXNOp2d-75pF8yNVIVtMS4LOuXtXC5HPy\\_GpJC-yPHfqRoCxtUQAvD\\_BwE#idiq=3242142&edition=2382017](https://www.thriftbooks.com/w/joey-an-inspiring-true-story-of-faith-and-forgiveness_joseph-f-girzone/699545/item/3242142/?gclid=CjwKCAjw6qqDBhB-EiwACBs6x9cHkUzrzPXNOp2d-75pF8yNVIVtMS4LOuXtXC5HPy_GpJC-yPHfqRoCxtUQAvD_BwE#idiq=3242142&edition=2382017)) was the face of that Law Firm.

Just to give you an idea of what a spectacular asset he was, this is what one United States President thinks of ME (<https://jazzforpeace.org/obamaletter.pdf>) and I was the LESSER of 2 walking billboard advertisements in this family for this Law Firm for those first 30 years when i was growing up.

In addition to my father, that business was built on the back of that brother and my mother (both of whom are no longer with us) and many other family members for 30 years and this sniveling POA is not man enough to admit it. And just to fleece his own father & family to take full financial credit for the first 30 year foundation of a firm that was built on the backs of my father along with EXTRAORDINARY contributions from just about EVERY family member except for him shows that he doesn't even have the self respect to care even if everybody knows what a lowlife scum he has become and for what little he is willing to destroy his own self esteem for.

Due to the evidence on the recordings that I am presenting in addition to the examples that I have set forth in the petition, irregardless of what Mr. Healey has brought to this courtroom today, I would like to request a POST Thursday March 11, 2021 mental competency exam for my father based on these recordings I have submitted, along with ALL financial records to be reviewed by the court appointed evaluator.

No matter how much money this POA steals, he'll NEVER be a man. But even he is still not the lowest of all scum. The person I really pity.....the person i really pity the most.....would be the person that would stand behind him.

So let's try this again just to put things into their proper perspective with regards to these contributions by family members other than the POA who looks at a family portrait and sees only himself:

Earlier I gave the example of United States President Barack Obama.

This is who I am in the words of United States Senator John McCain:  
<https://jazzforpeace.org/mccain.jpg>

NYC Mayor Michael Bloomberg:  
<https://jazzforpeace.org/nycmayor.html>

Florida Congressman Alcee Hastings: <https://jazzforpeace.org/hastings.pdf>

United Republic of Kenya Prime Minister Raila Odinga:  
<https://jazzforpeace.org/primemo.pdf>

and so many more.....

But what about right here in the Capital District?

Here's one taken from the articles link I previously submitted above:

[https://dailygazette.com/2008/12/19/1219\\_jukebox/](https://dailygazette.com/2008/12/19/1219_jukebox/)

"..jazz singer and pianist Rick Della Ratta has local roots but national wings, and he makes his homecomings into special occasions. On Saturday, he brings his Jazz for Peace tour back to his Schenectady hometown in a concert at the First Reformed Church (8 N. Church St.) to benefit the Center for Community Justice. The City has proclaimed Saturday "Rick Della Ratta and Jazz for Peace Day," honoring the homegrown talent for the international appeal of his message as well as for the outstanding quality of his music. Della Ratta will perform with bassist Pete Toigo and drummer Joe Barna. Show time is 7:30 p.m. Tickets are \$35. Visit [www.jazzforpeace.org](http://www.jazzforpeace.org)." FYI: My father and mother went down to

City Hall for this lengthy Rick DellaRatta & Jazz for Peace Day in Schenectady proclamation which was read to them by the Mayor. Which according to the POA was another ZERO upon a long list of zero's from EVERY member of this family towards the important component of name recognition to a community business as detailed here: <https://jazzforpeace.org/expertanswers.pdf>

Here's another from our local community: Della Ratta Honored - Singer and vocalist Rick Della Ratta, a native of the Schenectady area, recently became the first jazz artist to be included by The Foundation Center in their list of musician philanthropists along with Elton John, Bono, Peter Gabriel and Sting. <http://aplaceforjazz.org/Newsletter%2007Sep.pdf>

And here's another: <https://jazzforpeace.org/firstjfpconcert.pdf>

And with all of that in mind - I was STILL the LESSER of 2 billboard advertisements in this family for this Law Firm when i was growing up. And perhaps considering the way number one human Billboard Ad and beloved brother Joey was toted around almost like a trained monkey and on many an occasion far off of the track that would and should be considered natural and healthy for his musical and artistic growth, one could even make a very legitimate case that I was "spared" for being just a little bit too artistic.

I got to live a full life and know the actual real and true feeling and joy of being at different stages of life a favorite son, a favorite grandson, a favorite brother, a favorite uncle, a favorite cousin, a favorite husband, and most recently, a favorite Dad.

Did I bring any business into this Law Firm?

Gee.....I don't know.....I just had a friend of mine call me a few days ago, he's been following my career and bringing business into this firm for over 40 YEARS ever since he got in trouble when we were childhood friends at Onieda Junior High School. He said he couldn't believe how much my brother wanted to charge him for his divorce. He said it was like he didn't even need money anymore. And he wanted to apologize to me for the fact that he had finally reached a point where there was no way he could bring his business in to our family no matter how hard he tried. Does the POA

really need me to tell the court his name? Is he going to LIE to this court and deny what I just said? My father used to tell me stories of friends of mine who called him from as far away as Florida and Las Vegas. Just since I've been back here due to Covid I've met people on the streets and in supermarkets who I had no idea were clients of this family because of either myself or other family members that they knew before this POA even made it out of his private middle school. And where exactly IS this POA attorney today? Well, at THIS very moment, HE is HIDING - behind ANOTHER attorney!

How many things have happened that it wouldn't occur to me in a million years to record or document? How about the phone call I received last summer from my father where he spent at LEAST 45 MINUTES talking only to me about my brother & POA John and telling me whatever John has "he got it from him", whatever John made "he made it from him", how much he wished I had gone to law school and joined him in his firm, and how much he wishes I would go back to school now and get my law degree because of how good a lawyer he truly thinks I would make and so on and so forth while I silently listened. Think I'm lying? Unlike that spectacular vomit of defamation above, i've NEVER told a lie. Not to ANYBODY!

And to continue with the truth:

Being that it is my contention that learning about this extraordinary manipulation and abuse of position by this POA is one of the lowliest scams I can ever remember seeing, and that is after nearly 60 years of traveling all over the world and knowing literally tens of thousands of people, I am requesting a fresh round of medical records be ordered as part of the subpoena duces tecum mentioned in my petition, along with a complete and thorough accounting of financial statements. And while we await these documents I am requesting a stay of any additional expenditures that are non essential until all such related medical and financial documents can be reviewed and determined. These non essential POA activities would of course include any and all transfers of funds & family member eviction proceedings.

Lastly,

I believe it would be helpful to have a psychological or psychiatric evaluation performed on my father to determine whether he is of sound mind. If his intellectual capacity is waning and he is subject to undue influence. I believe this can be established with medical evidence, so that my arguments that he is in need of a Guardian at this time would have even greater and thereby their most proper force and effect.

Very Truly Yours,

Richard G. DellaRatta Jr., Petitioner (for appointment of a Guardian for  
Richard G. Della Ratta Sr.)