

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

NORFOLK SUPERIOR COURT
CIVIL ACTION NO.:

ROBERT MACQUARRIE and
RICHARD BRIGGS
Plaintiffs

V.

TOWN OF ASHLAND,
CHIEF SCOTT ROHMER, in his Individual and
Official Capacities,
EDWARD POMPONIO, in his Individual and
Official Capacities, and
DAVID BEAUDOIN, in his Individual and
Official Capacities, and
Defendants

Civil Action No.

COMPLAINT

PARTIES

1. The Plaintiff, Richard Briggs, is an individual residing in Medway, Norfolk County, Commonwealth of Massachusetts.
2. The Plaintiff, Robert MacQuarrie, is an individual residing in Holliston, Commonwealth of Massachusetts.
3. The Defendant, Town of Ashland, is a municipality located in Middlesex County, Commonwealth of Massachusetts.
4. The Defendant, Scott Rohmer, is employed as Chief of Police of the Ashland Police Department, with a place of business located in Middlesex County, Commonwealth of Massachusetts.
5. The Defendant, Edward Pomponio, is employed as a police officer in the Ashland Police Department, with a place of business located in Middlesex County, Commonwealth of Massachusetts.
6. The Defendant, David Beaudoin, is employed as a police officer in the Ashland Police Department, with a place of business located in Middlesex County, Commonwealth of Massachusetts.

FACTS

7. Lieutenant Richard Briggs (Hereinafter "Lt. Briggs") has been a Police Officer for eighteen (18) years. In 2002, Lt. Briggs began his employment with the Ashland Police Department. His assignments have included, but are not limited to, DARE/School Resource Officer, Bike Patrol Officer, Field Training Officer, Fire/Arson Investigator, and Patrol Sergeant.
8. In 2007, Lt. Briggs was promoted to the rank of Lieutenant. Since that time, his responsibilities have included, but are not limited to, oversight of the Patrol Division as well as the department Public Information Officer. Additionally, Lt. Briggs has been a member of the Regional Response Team of the Metropolitan Law Enforcement Council since March 2008.
9. Plaintiff Robert MacQuarrie (Hereinafter "MacQuarrie") served in the United States Marine Corp for ten (10) years prior to becoming a police officer. MacQuarrie earned his masters in Criminal Justice and received a 3.92 GPA through the Westfield State College Masters Program.
10. Plaintiff Robert MacQuarrie began his police career with the Ashland Police Department in April, 2004, when he was sent to the MBTA Police Academy. MacQuarrie received the highest award in the class for overall performance.
11. In February 2005, MacQuarrie became the firearms instructor for the Ashland Police Department. Additionally, MacQuarrie created and trained the Ashland Special Operations Team.
12. On December 4, 2009, MacQuarrie was promoted to Sergeant.
13. Both Lt. Briggs and Sergeant MacQuarrie have received outstanding performance evaluations every year since becoming members of the Ashland Police Department.
14. During April 2011, Defendant Chief Scott Rohmer (Hereinafter "Rohmer") gave then Detective Michael Vinciulla an unlawful order to travel to the defendant Rohmer's house and forensically search Rohmer's wife's computer and cell phone.
15. Detective Vinciulla believed the order to be unethical and stated that he did not feel comfortable complying with defendant Rohmer's order. Chief Rohmer forcefully insisted that his orders be followed.
16. The following day, Defendant Lt. David Beaudoin (hereinafter "Lt. Beaudoin") met with Detective Vinciulla and inquired if he had any written documentation regarding his search of the Chief Rohmer's wife's computer and cell phone. Detective Vinciulla told Lt. Beaudoin that he did not. Defendant Beaudoin then stated "Just remember, the Chief is the reason you are a Detective." Det. Vinciulla has since been demoted and reassigned as a Patrolman.

17. On November 27, 2011, Sgt. MacQuarrie filed a formal complaint against Defendant Sgt. Edward Pomponio, a provisional sergeant at that time, (Hereinafter "Pomponio") alleging untruthfulness. (Attached hereto as Exhibit 1)
18. Defendant Pomponio had recently left the Milford Police Department to seek employment with the Ashland Police Department.
19. Defendants Rohmer and Pomponio are close personal friends.
20. After being hired by defendant Rohmer at the Ashland Police Department, defendant Pomponio had his license to carry a firearm revoked by his former employer, the Milford Police Department. (Attached hereto as Exhibit 2)
21. Upon Pomponio's appeal of the firearm revocation, the Milford District Court upheld the decision of the Milford Police Chief and determined that Defendant Pomponio was not fit to carry a firearm. The Court ruled that "Pomponio exhibited a grudge against Chief O'Loughlin and Milford Officer Poissant and intended to seek revenge against them and their families." The decision was based on sixteen (16) incidents demonstrating Pomponio's animus and an intent to retaliate against the aforementioned Milford Police employees. (Attached hereto as Exhibit 3)
22. As a consequence of his complaint about defendant Pomponio, Sgt. MacQuarrie has been subjected to disparate treatment, a hostile work environment, retaliatory acts, and the threat of potential termination from employment.
23. In Sgt. MacQuarrie's complaint he discussed a conversation between himself and Pomponio addressing the issues surrounding his relationship with Lt. Beaudoin and Rohmer. Sgt. MacQuarrie stated that "...it is viewed by almost every member of the Ashland Police Department that his(Pomponio) relationship with Lt. Beaudoin and Chief Rohmer is grossly inappropriate and a major fraternization issue."
24. Chief Rohmer has, on several occasions, accepted items of value from subordinate Officer Pomponio, a violation of Massachusetts Ethics Law. Defendant Rohmer accepted these items while now Provisional Sergeant Pomponio was still just a Patrolman. The gifts Officer Pomponio gave Chief Rohmer include, but are not limited to, a bedroom set, a Harley Davidson motorcycle helmet, and a Harley Davidson leather jacket.
25. Sgt. MacQuarrie noted in his report the inappropriate and expensive gifts that Pomponio had given Chief Rohmer (well in excess of the maximum amount permitted of \$50.00) which could be viewed as potentially affecting the Chief's ability to evaluate a situation in a fair and impartial manner.
26. During the hiring process of Pomponio, several members of the command staff, including Plaintiff Briggs, advised defendant Rohmer to investigate his firearm revocation in Milford and Pomponio's prior history of retaliation against fellow department members.

27. Defendant Rohmer repeatedly made excuses for defendant Pomponio by saying "O'Loughlin(Milford Chief) is just f***ing with Eddie" and "It's all old bulls***." Chief Rohmer, over the objection of the majority of the department, ultimately hired his friend Defendant Pomponio.
28. Subsequently, Chief Rohmer reissued Pomponio his license to carry firearms without investigating the reasons that the aforementioned judge upheld Milford Police Chief O'Loughlin's decision to revoke Pomponio's license to carry.
29. Defendant Rohmer has since promoted Pomponio to Sergeant, despite the objection from every member of the command staff with the exception of defendant Lt. Beaudoin.
30. Defendant Rohmer has created a new specially position for Pomponio. The position removed Pomponio from the least desirable shift from 11 PM to 7AM and placed him on the 7AM to 3PM shift with weekends and holidays off. Chief Rohmer created this position over the objection of most of the command staff, including Lt. Briggs.
31. The Chief has purchased uniforms and equipment for Pomponio out of the Police Department budget.
32. Chief Rohmer has failed to discipline or even investigate Pomponio for several acts of extreme misconduct.
33. These acts include, but are not limited to, discharging a firearm inside the Police Station, assaulting Patrolman Doug Grout inside the police station, threatening to stab Sgt. Robert MacQuarrie's eye out with a pen, harassing Officer Allena Downey to the point that she was afraid to come to work.
34. Additionally, Pomponio was reported to have been untruthful by members of the Ashland Police Department on several occasions including, but not limited to, the events which led Sgt. MacQuarrie to file his November 27 complaint. Each instance of untruthfulness on the part of Defendant Pomponio was reported to Chief Rohmer however, due to their close personal friendship, the defendant has refused to conduct an investigation into any of these allegations.
35. On November 28, 2011, after Sgt. MacQuarrie filed his complaint about Pomponio's untruthfulness, Plaintiff Briggs overheard defendants Beaudoin and Rohmer discussing the Pomponio complaint. Chief Rohmer stated to Lt. Beaudoin, "If these guys want IA's ("Internal Affairs Investigations"), they'll all get IA's."
36. On November 30, 2011, defendant Beaudoin emailed Sgt. MacQuarrie stating that the allegations contained in the complaint filed against Pomponio were incorrect; without providing any further specification.
37. On December 3, 2011, there was a fatal car accident in Framingham to which Sgt.

MacQuarrie was one of the responding officers assisting the Framingham PD.

38. For the first time since Sgt. MacQuarrie began working for the Ashland Police Department, defendants Chief Rohmer and Lt. Beaudoin questioned and reviewed the mileage contained in Sgt. MacQuarrie's report on the incident.
39. Subsequently, Sgt. MacQuarrie was informed that defendants Rohmer and Beaudoin were attempting to discipline him for "untruthfulness" for the alleged incorrect mileage in his report.
40. On December 14, 2011, Sgt. MacQuarrie e-mailed Town Manager Petrin to convey his fear that he was being retaliated against for his November 27 complaint against Defendant Pomponio. (Attached hereto as Exhibit 4)
41. Sgt. MacQuarrie stated in said e-mail "I have reason to believe the current command staff is purposefully and deliberately delaying this investigation and is preparing to retaliate against me and additional Officers because of these reports(of defendant Pomponio) even though I clearly state in the report that I am seeking protection under the 'Massachusetts Whistleblower Act.'"
42. Sgt. MacQuarrie stated "Based upon current information available to me and a previous record of what I believe to be biased and unfair treatment of other officers I am in great fear of both Lt. Beaudoin and Chief Rohmer."
43. On December 16, 2011, Sgt. MacQaurrie personally met with Petrin to discuss his concerns that defendants Chief Rohmer, Lt. Beaudoin and Pomponio would retaliate against him. Sgt. MacQaurrie stated that he was in fear of the three defendants and that he had learned from multiple sources within the Ashland Police Department that the defendants planned to attack him professionally. Sgt. MacQaurrie also informed Petrin of the statement Chief Rohmer made that if we "wanted IA's (Internal Affairs investigations) they would all get IA's."
44. On December 28, 2011, Chief Rohmer conducted a formal investigation into a cruiser left running by Sgt. Greg Fawkes.
45. Sgt. Fawkes, Sgt. MacQuarrie and Lt. Briggs are viewed by defendant Rohmer as close personal friends.
46. On December 28, 2011, Lt. Briggs received an email from Chief Rohmer accusing him(Briggs) of not being truthful with regards to an investigation he had conducted into Sgt. Fawkes leaving a cruiser running outside the station.
47. On December 29, 2011, defendant Rohmer ordered Lt. Briggs to write a formal report about the incident. Chief Rohmer stated that he believed that Lt. Briggs was not forthright about the events surrounding Sgt. Fawkes leaving his car running and believed Lt. Briggs to be intentionally withholding information from him. (Attached hereto as Exhibit 5)

48. Lt. Briggs completed his report of the incident. Lt. Briggs also stated "As I suggested to you in your office yesterday, this matter isn't worth the committal of time or resources. It has become a source of extreme frustration for all involved and has a negative impact on morale department-wide. Unfortunately, the matter has now spiraled out of control."
49. Lt. Briggs continued by stating "Finally, I find it extremely upsetting that you attacked my integrity and reputation by accusing me of being less than honest, responsible, loyal and reliable in your email. Your statement is very presumptuous in nature and without merit."
50. On January 3, 2012, Chief Rohmer provided Lt. Briggs with a list of questions to be answered by everyone working during the incident where a cruiser was allegedly left running. Lt. Briggs made copies of the questions and distributed them to the officers on duty at that time and ordered everyone to answer the questions.
51. Chief Rohmer confronted Lt. Briggs and stated that he was upset at the way in which Lt. Briggs had distributed the questions.
52. On January 3, 2012, Chief Rohmer wrote a threatening email to Lt. Briggs suggesting that Lt. Briggs reconsider his role as a Police Lieutenant.
53. On January 3, 2012, Lt. Briggs responded to Chief Rohmer's threat in an email stating "This is the second time in the last several weeks that you have recommended I reconsider my role and position here at the Ashland Police Department, and the second time that I take exception to it"
54. On January 6, 2012, Sgt. MacQuarrie e-mailed Town Manager Petrin. Sgt. MacQuarrie's e-mail stated "I was recently informed that Ed. Pomponio approached Officer X and asked her if she has been harassed at work. I was informed that Pomponio then stated that she could make some quick money by suing the town if she had been harassed. The information I have is that Chief Rohmer is already aware of this conversation and has done nothing and is possibly involved." (Attached hereto as Exhibit 6)
55. Upon information and belief, Chief Rohmer conspired with defendant Pomponio to persuade Officer X to file false sexual harassment complaints against Officers in the department including, but not limited to, Sgt. MacQuarrie. Subsequently, defendant Rohmer ordered Officer X to file a harassment complaint against her wishes.
56. Defendant Pomponio told Officer X "we need to take these guys out."
57. Defendant Rohmer then told several members of the department that he intended to proceed with an investigation even if Officer X or the Town Manager did not want to.
58. Defendant Rohmer also told several members of the department that he intended to terminate those allegedly involved.

59. On January 12, 2012, defendant Rohmer held a mandatory Command Staff meeting. The purpose of the meeting was to inform the Command Staff that Officer X was reporting being bullied, harassed and black mailed.
60. When defendant Rohmer learned that Officer X was refusing to file a complaint for the alleged harassment, defendant Rohmer stated in a conversation with Union Vice President Mike Dionne "Who is Officer X fucking around here?" "She has to be fucking somebody"
61. Defendant Rohmer subsequently told multiple Ashland Police officers, as well as individuals outside the department, that Officer X was "blowing" several members of the department.
62. On January 17, 2012, Sgt. MacQuarrie emailed Town Manager Petrin stating once again that he had information that Pomponio, Rohmer and Beaudoin were attempting to retaliate against him. Sgt. MacQuarrie once again stated that he was seeking protection under the Massachusetts Whistleblower Act. (Attached hereto as Exhibit 7)
63. On January 18, 2012, Town Manager Petrin responded to Sgt. MacQuarrie's email and stated that he would review the information provided with Town Counsel.
64. On January 23, 2012, plaintiff MacQuarrie and union officials Sgt. Fawkes and Officer Dionne met with Town Manager Petrin at Town Hall to discuss Chief Rohmer's recent behavior and their fear of retaliation.
65. During this meeting, defendant Rohmer suddenly and without invitation entered the room, and attempted to intimidate those present from complaining about his conduct.
66. Defendant Rohmer demanded to know if the meeting was in regards to him. After multiple requests by both Union Officials and the Town Manager, defendant Rohmer angrily left the meeting. As Chief Rohmer was exiting the room, he stared at the three officers while making threatening and intimidating gestures.
67. Subsequently, on January 23, 2012, the Patrol Officers' Union filed a "vote of no confidence" against Chief Rohmer. The Union "vote of no confidence" against defendant Rohmer was eighteen (18) to one (1) in favor of no confidence in the Chief.
68. On January 23, 2012, a formal complaint was filed with Town Manager Petrin alleging misconduct by defendant Rohmer by various members of the department, including Plaintiffs Lt. Briggs and Sgt. MacQuarrie. (Attached hereto as Exhibit 8)
69. Town Manager Petrin requested that each individual who provided information included in the complaint against defendant Rohmer sign the complaint. Multiple members of the Ashland Police Department, including Lt. Briggs and Sgt. MacQuarrie, signed the complaint.

70. The complaint filed with Petrin contained information regarding the aforementioned incidents in addition to the following;
71. The complaint listed numerous statutory violations by defendant Rohmer, these included; Violations of Massachusetts Ethics Laws including, but not limited to, accepting gifts, failure to discipline officers due to personal relationships, disparate treatment due to personal relationships, unethical spending of town money, and unethical promotions within the Ashland Police Department.
72. The complaint also cited violation of M.G.L. Chapter 140, Section 121-131 Gun Laws; involving a "lost" firearm which was never reported as missing by defendant Rohmer.
73. Defendant Rohmer's personal department issued firearm has been found multiple times within the station unsecured and loaded.
74. Violation of M.G.L. Chapter 265, Section 13A Assault and Battery. Defendant Rohmer, while engaged in conducting surveillance of his wife while using a department vehicle off-duty, had a violent altercation with a man he believed was involved in an inappropriate relationship with his wife. Defendant Rohmer assaulted the individual during the altercation. When Framingham Police Officers responded to the scene of the incident. Chief Rohmer identified himself as the Ashland Police Chief to avoid being charged criminally.
75. Violations of M.G.L. Chapter 268, Section 13B Crimes Against public Justice. In 2010, Detective Michael Vinciulla was conducting an investigation of a hate crime involving an African American woman. When Detective Vinciulla interviewed the suspect, the suspect informed Det. Vinciulla that he was a friend of defendant Rohmer's and stated "I'm not talking to you, I already talked to Scotty(Chief Rohmer)."
76. At the direction of Chief Rohmer, the investigation was dropped and no criminal charges were ever brought against the suspect.
77. Violations of Ashland Police Rules and regulations Rule 7.7 Truthfulness, Rule 4.02 Conduct unbecoming an officer, Rule 7.2 Disparaging Remarks. Defendant Rohmer conspired with Sergeant Ed Pomponio to persuade Officer X to file false sexual harassment complaints against Officers in the department in direct retaliation for Sgt. MacQuarrie's filing a complaint against his close personal friend Defendant Pomponio.
78. Violations of Ashland Police Department Rule 4.15 Abuse of Position, Rule 8.1 Issuing unlawful orders. As aforementioned, during the month of April 2011, defendant Rohmer gave then Detective Michael Vinciulla an unlawful order to go to his residence and forensically search defendant Rohmer's wife's computer and cell phone.
79. Violation of Ashland Police Department Rule 12.7 Department Vehicles. Defendant Rohmer inappropriately used department detective vehicles to conduct surveillance of his

wife. Chief Rohmer was observed by several officers on multiple occasions leaving his assigned Chief of Police cruiser at the Police Station, taking out an unmarked undercover vehicle, and then returning the vehicle at 3:00 AM. Chief Rohmer was also operating an unmarked detective vehicle the night that he assaulted a man he believed to be having an affair with his wife.

80. Defendant Rohmer has lent department vehicles to his personal friends to use while their vehicle is being repaired. The owner of Marathon Deli, known to be a personal friend of Chief Rohmer, was observed driving an unmarked Detective vehicle for approximately one week while his vehicle was being repaired.
81. Violation of Ashland Police Department Rule 7.2 Disparaging Remarks; Chief Rohmer has made countless offensive and slanderous remarks about female employees. Chief Rohmer has stated "X(Officer X) is hot, but she is a little slut", "I guess Officer X's husband has a huge c*** and she loves it", "I bet Officer X loves to suck c***", and "Officer Y is a fucking c***".
82. Misappropriation of Ashland Police Department funds; Defendant Rohmer recently purchased jackets using Ashland Police Department funds. Defendant Rohmer gave approximately half of these jackets to his friends and family. Defendant Rohmer stated to several Ashland police officers that he purchased the jackets because the Town Manager took his marathon money. Defendant Rohmer stated to Sgt. Fawkes "Those mother fuckers Petrin and Purple want to take that money then I'm gonna spend it, and send those mother fuckers the bill."
83. Defendant Rohmer used departmental funds to purchase uniforms, equipment and other items of value for his personal friends defendants Lt. David Beaudoin and Sgt. Ed Pomponio.
84. Defendant Rohmer also purchased ammunition with department funds for caliber firearms that are not used by the Ashland Police Department. Chief Rohmer then used the ammunition for personal use.
85. On January 23, 2012, after defendant Rohmer left the meeting at Town Hall where union officials were discussing his inappropriate conduct, defendant Rohmer held a meeting in his office with Lt. Briggs and defendant Beaudoin. Defendant Rohmer stated that he planned to suspend Union President Fawkes and Vice President Dionne for insubordination for their meeting with Town Manager Petrin.
86. Chief Rohmer stated that when he suspends Fawkes and Dionne, they will call it retaliation for the Vote of No Confidence against him. Chief Rohmer stated, "That's why I didn't mention the vote of no confidence in my write up."
87. At said meeting, defendant Rohmer made derogatory and sexually explicit remarks about female Officer X and once again stated his opinion that he believes she was performing oral sex on various members of the department. Defendant Rohmer stated "That dirty

bitch! She's blowing everyone around here!"

88. During this same meeting, defendant Rohmer also stated to defendant Beaudoin and Lt. Briggs "Now that Fawkes and Mac(Sgt. MacQuarrie) are caught getting blow jobs from Officer X, they go and file a vote of no confidence. Fuck them!"
89. After this meeting, on January 24, 2012, Lt. Briggs contacted Town Manager Petrin and asked him to intervene due to the fact he believed defendant Rohmer's retaliatory actions to be illegal.
90. Plaintiff Briggs also filed a formal complaint with the Town Manager about Chief Rohmer's comments regarding female Officer X. (Attached hereto as Exhibit 9)
91. Following the filing of the aforementioned complaint against defendant Rohmer by plaintiffs, on January 24, 2012, an article appeared in the MetroWest Daily News announcing the union's vote of no confidence against Chief Rohmer.
92. On January 25, 2012, defendant Rohmer informed Lt. Briggs that he was aware that he had signed the complaint against him.
93. Immediately after informing plaintiff Briggs he was aware that he had signed the complaint against him, defendant Rohmer told Lt. Briggs that he was changing his working schedule and that Lt. Briggs would be required to work an Administrative schedule (Monday thru Friday 9am to 5pm) schedule, working eight (8) hours each day.
94. Additionally, Chief Rohmer told Lt. Briggs that he was suspending any and all future training for Lt. Briggs for the next year.
95. At this time Lt. Brigg's application to the FBI National Academy was pending, which Rohmer had previously granted approval for. Defendant Rohmer also informed Lt. Briggs that he would not be permitted to attend the training and if the FBI National Academy should call, he (Rohmer) would speak directly to them and handle the matter.
96. Defendant Rohmer also suspended plaintiff Briggs' participation in the Metropolitan Law Enforcement Council's Regional Response Team, a position Lt. Briggs had held since April of 2008.
97. All of the aforementioned actions were taken within one hour of defendant Rohmer being notified that Lt. Briggs had signed the complaint filed against him.
98. On January 25, 2012, Lt. Briggs notified Town Manager Petrin via email of the retaliatory action taken by defendant Rohmer and that it was done as a result of the complaint filed against the Chief. (Attached hereto as Exhibit 10)
99. In the email Lt. Briggs stated, "As you are aware, I was recently involved in a complaint against Chief Rohmer with the expectation of protection under the Whistleblower Act. It is clear in this instance, that Chief Rohmer has issued discipline against me in retaliation

for participating in that complaint filed against him. Just as concerning, is that he issued the discipline to me without due process."

100. Lt. Briggs requested a full copy of his Personnel File from Chief Rohmer.
101. On January 25, 2012, Sgt. MacQuarrie was informed by Chief Rohmer that his schedule had also been altered. Sgt. MacQuarrie was told he could no longer take "comp time" for Metro Training. Additionally, Sgt. MacQuarrie was told he would not be paid for two (2) hours of court time he completed.
102. On the same date, defendant Rohmer contacted Sgt. MacQuarrie to inquire about an incident where he (MacQuarrie) and female Officer X had gone skating together. Rohmer implied that Sgt. MacQuarrie was having an extramarital affair with Officer X. Sgt. MacQuarrie perceived this conversation to be an attempt to threaten, coerce and intimidate him in retaliation for his participation in the filing of the complaint against defendant Rohmer.
103. On January 27, 2012, defendant Rohmer emailed MetroLEC President (Walpole Police Chief) Richard Stillman and advised him that he was removing Lt. Briggs and Sgt. MacQaurrie from the Metro-LEC team. (Attached hereto as Exhibit 11)
104. On January 31, 2012, Sgt. MacQuarrie filed a formal complaint with Town Manage Petrin for being removed from Metro-LEC.
105. On February 1, 2012, Lt. Briggs was that female Officer X had completed a formal written statement that she was not being harassed.
106. Officer X stated she believed defendant Pomponio provided information to defendant Rohmer in an attempt to retaliate against Sgt MacQuarrie and Sgt. Fawkes. In addition, she stated that defendant Rohmer attempted to force and coerce her into filing a sexual harassment complaint.
107. On February 2, 2012, Lt. Briggs and Sgt. MacQaurrie were reinstated to the MetroLEC Regional Response Team.
108. Due to his removal from the Metro-LEC team by defendant Rohmer, Sgt. MacQuarrie was replaced as head of the Training Department for the Metro-LEC, a position he was never returned to.
109. On February 5, 2012, at approximately 10:45 PM, Lt. Briggs observed part time Officer Dimitri Karpouzis having conversation with Defendant Pomponio in the parking lot of the Police station.
110. At approximately 11:10PM, Officer Karpouzis called Lt. Briggs and informed him of the conversation with Sgt. Pomponio, which he felt was inappropriate and unethical.

111. Officer Karpouzis stated that defendant Pomponio stepped out of his vehicle and said "Hey...I can't really talk to you about this because I'm a Sergeant, but I'll tell you this, and then I don't want to talk about it anymore....these guys here...they don't know who they're fucking with...I mean, who do they think they're fucking with? They're messing with my friend and I have to protect him...they have no idea what's coming their way...I can see them...I can see that they're uncomfortable in their own skin...I've got people from Milford calling me asking Hey Ed - do you need anything?"
112. On February 6, 2012, Officer Karpouzis' written statement regarding his conversation with defendant Pomponio was forwarded to Town Manager Petrin.
113. On February 7, 2012, Lt. Briggs filed a formal complaint with Town Manager Petrin against defendant Rohmer. (Attached hereto as Exhibit 9)
114. On February 9, 2012, defendant Pomponio confronted Officer Driscoll and threatened that everyone who signed the complaint against the Chief will be sued.
115. On February 9, 2012, Sgt MacQuarrie submitted a report to Town Manager Petrin outlining the pattern of retaliatory behavior that ultimately resulted in defendant Pomponio being fired from the Milford Police Department. Sgt. MacQuarrie once again expressed that he was in fear of Defendants Pomponio, Rohmer and Beaudoin.
116. On February 21, 2012, Sgt. MacQuarrie received correspondence from defendant Rohmer, marked "confidential." It stated that the Pomponio Complaint had been fully investigated and was now "considered closed." Upon information and belief, no disciplinary action was taken.
117. Following the filing of the complaint with Town Manager Petrin, plaintiff Briggs was repeatedly assigned menial tasks that were previously the responsibility of defendant Beaudoin.
118. Due to the hostile work environment surrounding the Ashland Police Department and the overwhelming fear of retaliation by defendants, Sgt. MacQuarrie submitted a job application to the Franklin Police Department.
119. On March 13, 2012, a member of the Franklin Police Department (hereinafter "FPD") visited the Ashland PD to conduct a background investigation on Sgt. MacQuarrie as a potential candidate for hire.
120. Upon learning of Sgt. MacQuarrie's desire to transfer to FPD defendant Rohmer stated "Oh Good." After initially stating that he wanted no involvement in the FPD background check, defendant Rohmer ultimately attempted to make Sgt. MacQuarrie appear as sub-par candidate to the investigating officer.
121. On March 14, 2012, Sgt. MacQuarrie told defendant Rohmer that he thought he

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was retaliating against him as a result of his participation in the complaint filed against him and that he wanted a union attorney present. Chief Rohmer responded that he did not need an attorney.

122. On April 2, 2012, Lt. Briggs received an email from Chief Rohmer indicating that he failed to notify Chief Rohmer of a "significant B&E" on March 30, 2012, where a K-9 was used to attempt to track the suspect. Chief Rohmer indicated that Lt. Briggs was "In direct violation of standing orders on when to notify (him) as chief of police." Lt. Briggs had never been required to notify the Chief when a B&E had occurred in the past or when a K-9 was used to track a B&E suspect.
123. On April 4, 2012, Lt. Briggs advised Chief Rohmer via email that he and Sgt. MacQuarrie had MetroLEC training on April 11, 2012. For the first time, Chief Rohmer requested a training agenda. Neither Lt. Briggs nor Sgt. MacQuarrie had ever had to have training approved by Chief Rohmer prior to January when the complaint was filed.
124. On April 8, 2012, Lt. Briggs received an email from Chief Rohmer instructing him to find out if the department golf cart assigned at the High School is functioning and to make arrangements to have it returned for Marathon Day.
125. On April 9, 2012, Lt. Briggs received an email from Chief Rohmer rescinding his original approval to attend MetroLEC training.
126. On April 13, 2012, Sgt. MacQuarrie was ordered to speak with Jody Newman regarding a hearing being conducted involving Sgt. Fawkes. At said meeting Sgt. MacQuarrie stated that he was entitled to union representation due to the fact he believed that his testimony could lead to retaliatory discipline by defendants Rohmer, Beaudoin or Pomponio.
127. Defendant Beaudoin denied Sgt. MacQuarrie union representation and stated that he was ordered to assist with the investigation and failure to do so would result in termination.
128. At said meeting Sgt. MacQuarrie was questioned about his relationship with Officer X and whether or not they had ever engaged in sexual conduct. Sgt. MacQuarrie stated that he felt the line of question was inappropriate and an attempt to retaliate against him. Once again Sgt. MacQuarrie requested union representation which was again denied.
129. On April 17, 2012, Chief Rohmer investigated a recent use of a K-9 by Sgt. MacQuarrie and requested him to answer questions related to the incident.
130. On April 18, 2012, Chief Rohmer issued Lt. Briggs "corrective counseling" via email for a "Significant B&E" incident which Lt. Briggs allegedly didn't notify Chief Rohmer of.

131. On April 27, 2012, Lt. Briggs received a voicemail from Gary Coffey, of the FBI National Academy, congratulating him on his acceptance to their program. Lt. Briggs informed Chief Rohmer of said acceptance.
132. On April 27, 2012, Lt. Briggs submitted a vacation request for June 2012 directly to Chief Rohmer.
133. At 4:00 P.M. on April 27, 2012, Lt. Briggs was called into Chief Rohmer's office. Lt. Briggs was issued a four (4) day suspension for the release of Harassment Prevention Order report to the media. Lt. Briggs was charged with Conduct Unbecoming, 2 counts of Untruthfulness, and Neglect of Duty. This was later reduced to a 2-day suspension and removal of Untruthfulness and Conduct Unbecoming charges.
134. On May 8, 2012, Sgt. MacQuarrie was accused by defendant Rohmer of failing to enter a shotgun into Ashland Police's department firearms inventory correctly.
135. On May 9, 2012, Sgt. MacQuarrie received an email requesting a full inventory of his weapons, ammo, keys and duty equipment.
136. On May 11, 2012, Lt. Briggs was advised by defendant Rohmer verbally in his office (with defendant Beaudoin present) that he would not be able to approve his previously requested vacation time. Defendant Rohmer stated he was considering changing the way the department handled the on-call command staff (Since 2007, Lt. Briggs was the only command staff member on call for after hours critical incidents as he commanded the Patrol Division).
137. Defendant Rohmer subsequently stated that he was instituting a rotating on-call command staff list and, with the current state of the department, Lt. Briggs wouldn't be able to take vacation on the days that he was on-call after hours. It should be noted that for the past several years, Lt. Briggs had always pooled his vacation time and taken the entire month of June off.
138. On May 16, 2012, based upon his recent suspension, Lt. Briggs made a formal request to defendant Rohmer to be reassigned from the duties of Public Information Officer. Lt. Briggs stated that he was no longer comfortable providing information to the media given the fact he was recently suspended for providing information he believed to be public record. Defendant Rohmer denied Lt. Briggs' request via email on the same date.
139. On May 21, 2012, Chief Rohmer advised Lt. Briggs that he would not approve his requested vacation time for July 2-4, due to the fact that he and Lt. Beaudoin would both be away on vacation. Lt. Briggs had made his vacation request in April.
140. On May 31, 2012, defendants Beaudoin and Rohmer met in Chief Rohmer's office for approximately one hour with the door closed.

141. Subsequently, Lt. Briggs was asked to join the meeting. Chief Rohmer stated that, due to staffing issues regarding the midnight shift for July 1, he was going to reassign Lt. Briggs to command the midnight shift to take over for female officer Sgt. Kasey Oestreicher.

142. Upon information and belief, in the history of the Ashland Police Department, a Lt. has never been used to replace a Sergeant, nor would it be possible due to the collective bargaining agreement.

143. Upon information and belief, defendant Rohmer was attempting to switch Briggs shift so that defendant Pomponio could move off of the midnight shift.

144. On May 31, 2012, plaintiff Briggs received an email from defendant Rohmer accusing him of not providing required information to him with regards to new cruiser purchases. Upon information and belief defendant Rohmer was "papering" Lt. Briggs in an attempt to eventually demote or further discipline him.

145. On or about July 25, 2012, two pictures that were on display in the Ashland Police Department for the previous three (3) years, one of Sgt. MacQuarrie and one of Sgt. Fawkes were vandalized. The picture of Sgt. MacQuarrie had his eyes cut out of the picture. Defendant Pomponio had threatened Sgt. MacQuarrie previously by stating that he would stab him in the eye with a pen.

146. The other photograph depicting Sgt. MacQuarrie and Sgt. Fawkes had been completely removed from the wall, and prior to being stolen, the glass was scratched over both individuals faces.

147. Lt. Briggs reported the above incident to defendant Rohmer, who failed to take any action to investigate the matter even though he had access to video recordings of the location where the incident took place.

COUNT ONE - WHISTLEBLOWER (M.G.L. ch. 149, § 185)

148. The Plaintiffs repeat, reallege and incorporate by reference as if set forth hereto in their entirety Paragraphs 1 through 147 of this Complaint.

149. Plaintiffs, through various means and measures, reported, objected to, filed complaints and reports about ongoing violations of law in the Ashland Police Department including, but not limited to, violations by defendants Rohmer, Beaudoin and Pomponio.

150. The defendants retaliated against plaintiffs for disclosing, objecting to and/or refusing to participate in an activity, policy or practice which plaintiffs reasonably believed was in violation of a law and/or a rule or regulation promulgated by law, in violation of the Massachusetts Whistleblower statute, G.L.c.149 §185.

151. Plaintiffs have been retaliated against for reporting and objecting to such actions

and as a result of raising these issues were subsequently subjected to disparate treatment, a hostile work environment, retaliatory acts, and the potential for termination from employment.

152. As a consequence of the defendants' actions, Plaintiffs suffered and continue to suffer damages, including, but not limited to: loss of income, loss of employment benefits, other financial losses, loss of professional opportunities, loss of personal and professional reputation, loss of community standing, and emotional and mental distress.

WHEREFORE, Plaintiffs demand judgment against the Defendants on Count I, plus interest and costs of this action, and reasonable attorneys' fees as provided under G.L.c.149, Section 185 and G.L. c. 12, Section 11I.

COUNT TWO - Civil Rights (M.G.L. ch. 12, §§ 11H, I)

153. The Plaintiffs repeat, reallege and incorporate by reference as if set forth hereto in their entirety Paragraphs 1 through 152 of this Complaint.

154. Defendants, in their official and individual capacities, and under color of law, attempted to interfere with, and interfered with plaintiff's exercise and enjoyment of rights secured by the constitution and laws of the United States, and the constitution and laws of the Commonwealth, by threats, intimidation and coercion, including their right to free speech and equal protection of the laws.

WHEREFORE, Plaintiffs demand judgment against the Defendants on Count II, plus interest and costs of this action, and reasonable attorneys' fees.

COUNT THREE - CONSPIRACY

155. The Plaintiffs repeat, reallege and incorporate by reference as if set forth hereto in their entirety Paragraphs 1 through 154 of this Complaint.

156. The Town of Ashland and its employees, including the individual Defendants, have pursued, or joined in the pursuit of, a common course of conduct, and acted in concert with and conspired with one another, in furtherance of a common plan or design to retaliate against Plaintiffs and ultimately remove Plaintiffs from their employment.

157. The unlawful means and purpose of this conspiracy were undertaken in retaliation for Plaintiff's reports, objections, complaints, and citations about violations of law in the Town of Ashland.

WHEREFORE, Plaintiffs demand judgment against the Defendants on Count III, plus interest and costs of this action, and reasonable attorneys' fees.

COUNT FOUR - INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

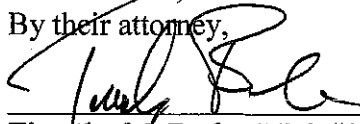
158. The Plaintiffs repeat, reallege and incorporate by reference as if set forth hereto in their entirety Paragraphs 1 through 157 of this Complaint.
159. The conduct of the defendants towards the plaintiffs was extreme in degree and outrageous in character, resulting in the intentional and reckless infliction of emotional distress upon said plaintiffs.
160. Defendants intended to inflict emotional distress on plaintiffs or knew or should have known that emotional distress was a likely result of defendant's conduct.
161. Defendants conduct as alleged above was extreme and outrageous, beyond all possible bounds of decency and was utterly intolerable.
162. The outrageous actions of the Defendants were the cause of plaintiffs' distress and the emotional distress sustained by the Plaintiffs is of a nature that no reasonable person could be expected to endure.
163. As a result of the outrageous actions of the Defendants, Plaintiffs were caused to suffer emotional injuries and damages.

COUNT FIVE- NEGLIGENT INFLECTION OF EMOTIONAL DISTRESS

164. The Plaintiffs repeat, reallege and incorporate by reference as if set forth hereto in their entirety Paragraphs 1 through 163 of this Complaint.
165. Defendant's conduct of discriminating against plaintiffs and retaliating against them was extreme and outrageous.
166. A reasonable and prudent person in the same or similar circumstances as defendants would know or should have known that plaintiffs' emotional distress was a foreseeable result of this extreme and outrageous conduct.
167. As a result of the above-described actions, Plaintiffs were caused to suffer emotional injuries and damages.

THE PLAINTIFFS HEREBY DEMAND A TRIAL BY JURY ON ALL COUNTS.

Respectfully submitted,
For Plaintiffs,
By their attorney,



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Dated: September 3, 2012