

418. Stephanie Rohmer reported that FAWKES was following her and appeared to be video taping her while he was on duty.
419. No investigation was initiated by SCHIAVI or the Town of Ashland as to the complaint filed by Rohmer regarding the harassment by FAWKES.
420. FAWKES was not reprimanded for harassing Stephanie Rohmer.
421. On August 5, 2013 ROHMER sent an email to SCHIAVI informing him that there still outstanding matters that were pending prior to his removal as police chief.
422. Rohmer identified the following issues that were still outstanding:
- a. Reorganization of the sergeant's office and records rooms.
 - b. Unauthorized release of information of an internal investigation.
 - c. Leak of information to Channel 5 news of POMPONIO's attendance at a training session.
 - d. Misconduct of BRIGGS, WILDMAN and others removing, recovering and downloading police department computer files and removing without authorization.
 - e. False report of shredding to the Middlesex District Attorney's Office and the notifying of Channel 5 News and Metrowest Daily News of the investigation.
 - f. Investigation of unbecoming remarks by a firefighter while on duty.
423. On November 27, 2011 MACQAURRIE filed a complaint accusing POMPONIO of a relationship with Rohmer that, "it is viewed by almost every member of the Ashland Police Department that his relationship with BEAUDOIN and Rohmer is grossly inappropriate and a major fraternization issue."

424. MACQAURRIE failed to mention in his complaint any other personal relationships with subordinates and supervisors that existed in the department.
425. MACQAURRIE failed to mention in his complaint that BRIGGS and Ashland Police Officer Demitri Karpouzis are members of "Renegade Pigs", a police motorcycle organization. **SEE ATTACHED PHOTOGRAPHS EXHIBIT 50.**
426. Sometime in 2013 BRIGGS approached ROHMER and requested that ROHMER bypass the civil service list to appoint Karpouzis to the position of patrolman from the part-time list.
427. In 2013 BRIGGS told ROHMER that by the time an appeal would be heard Karpouzis would be working and the appeal would be moot but ROHMER refused to bypass civil service protocol.
428. On February 29, 2012, BRIGGS duty weapon was found by Rohmer loaded in a holster on the table in the sergeant's room.
429. No disciplinary action was taken against BRIGGS for leaving his loaded weapon on the table.
430. BRIGGS was not disciplined by the Town for leaving his loaded duty weapon on the table in violation of department rules and regulations.
431. On March 28, 2012 DIONNE sent a department wide message to all officers "we have cunt face on the deck."
432. DIONNE's statement was referencing Jamie Patriaca, a female dispatcher.
433. POMPONIO filed a complaint for inappropriate conduct of DIONNE and requested for an investigation.

434. On April 10, 2012 BRIGGS was assigned by ROHMER at the direction of the TOWN to investigate the complaint filed by POMPONIO. **SEE ATTACHED EXHIBIT 51**
435. DIONNE was untruthful stating that this department wide message referenced a woman that was on the deck at TJ Spirits.
436. told BRIGGS that on March 29, 2012 DIONNE approached her asking her to assist him in deleting a record from the department paging system. **SEE BRIGGS REPORT PAGE 4.**
437. Patriaca told BRIGGS that she felt that the tension between herself and other officers was due to her positive opinion of POMPONIO who is not popular among many members of the department. **SEE BRIGGS REPORT PAGE 5.**
438. Patriaca told BRIGGS that she felt that there was a distinct shift in attitude toward her by nearly all of the officers in the department because of her support of POMPONIO. **SEE BRIGGS REPORT PAGE 6.**
439. Patriaca described POMPONIO as always professional. **SEE BRIGGS REPORT PAGE 6.**
440. DIONNE later admitted to Town Manager PETRIN that the comment referred to Patriaca and apologized for making the comment.
441. ROHMER recommended to PETRIN that DIONNE be suspended for 30 days but PETRIN would not permit the suspension time period.
442. It is with information and belief that DIONNE and PETRIN conversed about the suspension.
443. DIONNE was not disciplined for untruthfulness.

444. Dionne's suspension was amended from 5 days to 3 days by PURPLE who had taken over from PETRIN.
445. ROHMER objected on the record to the suspension time period asserting that a 3 day suspension for calling a female co-worker a "cunt" was not enough since the female was hurt, humiliated, and upset.
446. Town Counsel recommended 30 days but PETRIN and PURPLE refused to permit that length of a suspension.
447. As a result of filing this complaint, POMPONIO was subjected to repeated harassment, name calling, and ridicule by many officers within the department including but not limited FAWKES, DIONNE, ALBERINI and MACQAURRIE.
448. POMPONIO filed a complaint regarding the harassment by FAWKES, DIONNE, ALBERINI and MACQAURRIE and Rohmer forwarded this to the Town Manager.
449. No officer including DIONNE was disciplined for the harassment that POMPONIO endured as a result of filing a complaint against DIONNE for calling Patriaca a derogatory name over the department wide broadcast.
450. On or about December 5, 2012, POMPONIO reported to BEAUDOIN that DRISCOLL had been removing documents from the station and disseminating these department records without authorization. **SEE ATTACHED EXHIBIT 52**
451. Rohmer reported the improper removal of files by DRISCOLL to the Town Manager.
452. No action was taken by Town of ASHLAND to discipline DRISCOLL for the removal of the department records from the station without authorization.

453. POMPONIO was subjected to a hostile work atmosphere as a result of reporting DRISCOLL to the Town for the removal of department records.
454. This information was disseminated to Selectman Robert Hebden at Hebden's residence.
455. No action was taken by the TOWN regarding the complaint filed by POMPONIO on December 13, 2012.
456. Hebden is the maternal grandfather of ALBERINI.
457. Hebden is a former Town of Ashland Selectmen.
458. Hebden's only purpose of becoming a selectman was to target POMPONIO, ROHMER and BEAUDOIN.
459. Hebden only remained as selectman for 1 year and did not seek reelection after POMPONIO was removed from his position.
460. Sometime in the fall of 2012 prior to becoming a selectman, Hebden spoke in the Chris' Barbershop stating that the main problem with the Ashland Police Department was POMPONIO.
461. On or about January 8, 2013 at 9:07AM, POMPONIO reported the statements of Hebden in Chris' Barbershop to Lt. BEAUDOIN and/or Rohmer.
462. In his email on January 8, 2013, POMPONIO stated he was in fear of retaliation by Selectman HEBDEN. **SEE ATTACHED EXHIBIT 53**
463. Rohmer forwarded this complaint to the TOWN and requested action but no action was taken by town manager PURCELL.
464. Town did not investigate or take action against DRISCOLL for the complaint filed by POMPONIO.

465. From 2008 to 2013 pictures, drawings and statements were posted in various parts of the police station that were defaming, harassing, embarrassing to POMPONIO.
466. Officers took it upon their own powers to report POMPONIO to various government agencies without permission from the police chief in direct violation of department rule 7.11 which stated that Officers shall not confer with or forward communications to governmental officials on police matters without first notifying the chief of police, except as otherwise provided by statute.
467. No officer was disciplined for violating this rule.
468. Officers, including but not limited to FAWKES, BRIGGS, DIONNE, Tessier, and DRISCOLL released information about ROHMER, POMPONIO and BEAUDOIN to Channel 5 News, Metrowest Daily News Laura Krantz, and other media sources without permission from the Town.
469. Officers, including but not limited to FAWKES, BRIGGS, DIONNE, Tessier, and DRISCOLL were in violation of Rule 7.5 which stated, No information shall be released, given or issued to the news media or to any members of the press concerning department operations, or the evidentiary aspects of any criminal investigations, without the prior approval of the chief of police.
470. No approval by the Chief of Police was obtained by these officers during the time period of 2011 to May of 2013 to speak with the media.
471. Violations of Rule 7.11 and 7.05 were reported by Rohmer to the Town Managers PETRIN, PURCELL and SCHIAVI and no action was taken by the Town.

472. As a result of these violations, POMPONIO was subject to ridicule, harassment, embarrassment, and hostile work atmosphere and suffered emotional distress, physical anxiety.
473. In March of 2013 SCHIAVI was appointed as Town Manager of the Town of Ashland.
474. SCHIAVI upon his appointment suspended Rohmer and has since removed him from the position of chief of police.
475. After being sworn in SCHIAVI publicly announced that he was forgiving all prior misconduct.
476. SCHIAVI met with Margot Ellsworth, John Ellsworth and Jon Fetherston and stated that he would not look back on past misconduct of any Ashland Police Officer.
477. SCHIAVI purposely targeted POMPONIO upon his appointment to the position.
478. An audit of all department firearms was conducted by Rohmer after being sworn in as police chief and it was discovered that former Police Chief Roy Melnick's firearm was missing from the department.
479. The Audit revealed that the missing firearm was last in the possession of Town Manager PETRIN's possession.
480. As of the date of filing this complaint this weapon remains missing.
481. The town has not taken any action to locate this weapon.
482. No criminal investigation was conducted by the Ashland Police or the Middlesex District Attorney's Office into the missing firearm that was last reported in the possession of town manager PETRIN.

483. It is with information and belief that sometime in 2013 FAWKES was found having an extra marital affair with a police dispatcher and as result his wife has filed for divorce.
484. The Town was aware of this inappropriate conduct by FAWKES and took no action against FAWKES or the female dispatcher.
485. In all complaints filed in civil court against POMPONIO and ROHMER there is reference to ROHMER issuing a gun permit to POMPONIO claiming favoritism.
486. It is with information and belief that prior to being appointed as a police officer, ALBERINI's gun permit was suspended as a result of his unlawful discharge of a firearm within 300 feet of a residence.
487. On March 2, 2012 FAWKES was on duty and in a marked police cruiser called Selectman Jon Fetherston on Mr. Fetherston's cellular phone and threatened him as he followed Fetherston in the marked cruiser.
488. On March 2, 2012 at 9:44PM, Mr. Fetherston filed a complaint to Town Counsel Lisa Mead and PETRIN regarding the phone call from FAWKES. **SEE ATTACHED EXHIBIT 54**
489. MACQAURRIE stated that FAWKES had called him to request 1 hour vacation time off to place this phone call to Mr. Fetherston.
490. An investigation by special investigator McGinn revealed that there was no record of a phone call taking place to MACQAURRIE from FAWKES requesting a one hour vacation time while in a marked police cruiser. **SEE ARBITRATORS REPORT PARAGRAPH 88.**

491. The town did not reprimand or discipline MACQAURRIE for being untruthful about this phone call from FAWKES.

492. On March 3, at 11:55AM, TOWN counsel Lisa Mead recommended that FAWKES be issued a letter of reprimand for the threats FAWKES made to Mr. Fetherston. **SEE ATTACHED EXHIBIT 54.**

493. On March 3, 2012, PETRIN spoke with FAWKES about the phone call to Fetherston after Fetherston filed a complaint against FAWKES.

494. FAWKES was not disciplined for threatening a selectman and conduct unbecoming of a police officer when he made the threats while in an Ashland Police uniform and in a marked Ashland Police cruiser.

495. On or about April 21, 2012, DIONNE approached ROHMER at the rear of the police station and told ROHMER again that the problems in the police department started because of POMPONIO.

496. DIONNE went on to say that FAWKES father in law (now former father in law), Gary Ghilani wanted to speak with ROHMER about POMPONIO.

497. On or about April 21, 2012, ROHMER met with GHILANI who told ROHMER that he was upset that FAWKES had filed the complaint and asked that the investigation be stopped.

498. GHILANI told ROHMER that he met with PETRIN to ask for the complaint against POMPONIO be stopped.

499. On or about April 23, 2012, ROHMER met with Attorney Moschos and Attorney John Becker of Massachusetts Coalition of Police at Attorney Moschos Worcester Office.

500. At that time the Union offered to dismiss the complaint against POMPONIO, ROHMER and BEAUDOIN if the town dropped the complaints against FAWKES.

501. On or about August 12, 2012, DIONNE approached ROHMER and told ROHMER that PETRIN had said that if TOMASO wrote a letter stating that there was no complaint that there would be nothing to investigate.

502. DIONNE stated that the union did not like POMPONIO and said that POMPONIO had no right to report what TOMASO had told him.

503. Sometime in early 2012, PETRIN, as Police Commissioner, order ROHMER not to discipline any officer and that all requests for discipline or reporting of wrongful conduct must be reported to PETRIN only.

504. As a result of this order, misconduct of officers was not investigated, officers were not disciplined and POMPONIO was subjected to continued harassment, defamation, hostile work atmosphere and ridicule by the Defendants.

505. Sometime in mid 2013, SCHIAVI retained the services of Edward Pomeroy to investigate the findings of the Doocey reports and to focus on POMPONIO and ROHMER.

506. On or about September 4, 2013, Robert Pomeroy completed an investigation into the findings of Robert Doocey.

507. At no time was POMPONIO, Rohmer or Stephanie Rohmer interviewed by Pomeroy during his investigation.

508. POMPONIO contacted POMEROY and SCHIAVI requesting to be interviewed by Pomeroy but was never interviewed.

509. It is with information and belief that sometime in 2012 Rohmer became aware that an Ashland Police Officer had falsified his eye exams for his civil service appointment and reported to the TOWN and Town Counsel, Jack Collins.
510. PETRIN ordered ROHMER not to do anything with this information and to discard the information.
511. The Town refused to investigate this officer though proof was presented by ROHMER to the Town and Town Counsel.
512. BRIGGS has not been reprimanded, disciplined or sanctioned by the Town for falsifying his eye exams after a complaint was filed by ROHMER.
513. In 2007, an Ashland Police Officer was investigated by Medway Police for domestic assault and battery on his wife in Medway.
514. A restraining order was issued against this Ashland Police Officer for this domestic abuse but was subsequently dismissed.
515. Sometime after the divorce filing this Ashland Police Officer's wife reported to the Framingham Police that he unlawfully entered her business.
516. TOWN took no action to discipline BRIGGS for this criminal act though it was reported to TOWN officials.
517. On or about December 26, 2012 Ashland Police were dispatched the VFW for a report of a fight.
518. Richard Odell was injured in the altercation at the VFW on December 26, 2012 in which Ashland Police officers responded.

519. Richard Odell filed a complaint to ROHMER seeking an investigation into his injuries as it was alleged that off duty Ashland Police Officers were the attackers causing his injuries.
520. Rohmer assigned Lt. BEAUDOIN to investigate the allegations made by ODELL and BEAUDOIN ordered all officers to submit a police report as to the allegations made by Odell.
521. Shortly after issuing this order a complaint was lodged against BEAUDOIN and he was subsequently removed as investigator by TOWN.
522. BRIGGS was assigned to investigate the Odell complaint.
523. BRIGGS refused to investigate and ROHMER issued a complaint to the TOWN against BRIGGS for insubordination.
524. On April 27, 2012, ROHMER suspended BRIGGS for insubordination after releasing reports to Metrowest Daily News reporter Laura Krantz.
525. This suspension was rescinded by Petrin in May of 2012.
526. On January 18, 2013, ROHMER issued an order that no information regarding the complaint against BEAUDOIN be released to the public.
527. The complaint against BEAUDOIN was investigated and found to be unfounded.
528. Officers in the department violated ROHMER'S orders and released information to the media regarding the complaint against BEAUDOIN.
529. Rohmer contacted PURCELL and requested an investigation into the leaking of information to the media regarding the BEAUDOIN complaint.
530. No investigation was conducted by the Town into the leaking of information to the media regarding the BEAUDOIN complaint.

531. BRIGGS conducted the investigation and concluded that ODELL's allegations were unfounded.
532. No further investigation was conducted by the Town or the Middlesex District Attorney's Office as a result of BRIGGS findings.
533. No officer was disciplined by the TOWN though off duty officers were present during the physical attack on Odell causing bodily injuries.
534. No individual was criminally charged though off duty officers that were present knew of the assailants or participated in the attack on Odell.
535. On September 13, 2013, Counsel for POMPONIO forwarded a certified letter to SCHIAVI addressing the harassment of POMPONIO.
536. Included in the letter is the false statements by SCHIAVI to the media regarding the appointment of SIMONEAU.
537. No action was taken by the TOWN on SCHIAVI for his untruthfulness to the media and the public.
538. On February 28, 2014, POMPONIO received a letter from SCHIAVI notifying POMPONIO that he was subject to a disciplinary hearing for destruction of drug evidence occurring in 2011 and untruthfulness. **SEE ATTACHED EXHIBIT 55**
539. POMPONIO was terminated for several reasons but one was for untruthfulness in which he misidentified the Ashland Police officer who also destroyed drug evidence but was not criminally charged.
540. No other Ashland Police officer was terminated for untruthfulness though several officers including but not limited to FAWKES and DOWNEY had been disciplined for untruthfulness during their employment with the TOWN.

541. The Ashland Police have refused to criminally prosecute or investigate any officer other than POMPONIO.
542. On June 16, 2014, POMPONIO was discharged from the TOWN citing untruthfulness as one of the reasons. **SEE ATTACHED EXHIBIT 56**
543. On September 11, 2014, POMPONIO's firearms license was revoked by Ashland Police Chief Craig Davis. **SEE ATTACHED EXHIBIT 57**
544. One of the reasons for revocation was that the hearing examiner deemed that POMPONIO testified untruthfully when he wrongfully named the officer that had destroyed a marijuana pipe.
545. It is with information and belief that no other Ashland Police Officer has had their firearms permit suspended for untruthfulness.
546. From 2007 to present there has been more than one officer that has been found to be untruthful during their employment status.
547. It is with information and belief that ROHMER reported many other instances of misconduct not named in this complaint to the TOWN and no action was taken by the TOWN.
548. It is with information and belief that POMPONIO filed more complaints not provided as exhibits in this complaint against officers during his employment period.
549. The TOWN, SCHIAVI, PURPLE, PURCELL, PETRIN and HEBDEN have intentionally focused disciplinary action on POMPONIO ignoring the violations of the rules and regulations and/or criminal conduct of other officers.
550. As a result of being signaled out by the TOWN, SCHIAVI, FAWKES, DIONNE, MACQAURRIE, BRIGGS, TOMASO, PETRIN, PURPLE, DOWNEY and others,

POMPONIO has been subjected to harassment, humiliation, mental anguish and extreme emotional and physical distress.

551. At all times relevant to this complaint POMPONIO was treated by Dr. Arthur Saglia for stress induced hypertension which was deemed directly related to a stressful environment over a period of time. **See Attached Exhibit 58**

COUNT I

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS AT TO ALL PLAINTIFFS BY ALL DEFENDANTS

552. The allegations set forth in this Complaint are realleged and incorporated by reference as if fully set forth herein.
553. The acts of the Defendants were outrageous and beyond all normal standards of decency such that no reasonable person in the plaintiff's situation could be expected to endure without suffering severe emotional harm.
554. These outrageous acts directly and proximately caused Plaintiff POMPONIO and Plaintiff PAULA POMPONIO to suffer severe emotional distress.
555. Defendants caused Plaintiff POMPONIO and Plaintiff PAULA POMPONIO each to suffer actionable harm and, therefore, each of them claims damages from Defendants to the fullest extent allowable at law and equity.

COUNT II

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS AS TO ALL PLAINTIFFS BY ALL DEFENDANTS

556. The allegations set forth in this Complaint are realleged and incorporated by reference as if fully set forth herein.

557. It was reasonably foreseeable that the negligent actions of Defendants would cause Plaintiff POMPONIO and Plaintiff PAULA POMPONIO to suffer emotional distress.

558. The negligent acts of Defendants directly and proximately caused each Plaintiff to suffer emotional distress.

559. Plaintiffs' emotional distress is manifest by objective symptomatology including, but not limited to, headaches, nausea, vomiting, loss of sleep, loss of concentration, loss of appetite, sweating, anxiety, depression, and high blood pressure.

560. Defendants caused Plaintiff POMPONIO and Plaintiff PAULA POMPONIO each to suffer actionable harm and, therefore, each of them claims damages from Defendants to the fullest extent allowable at law and equity.

COUNT III

VIOLATIONS OF MASSACHUSETTS TORTS CLAIM ACT, MGL CH. 258, AS TO ALL PLAINTIFFS BY ALL DEFENDANTS

561. The allegations set forth in this Complaint are realleged and incorporated by reference as if fully set forth herein.

562. Defendants, while acting within the scope of their employment or agency with Defendant TOWN, breached their various duties to use due care in their relationship and dealings with Plaintiffs by, among other things, failing to properly train, supervise, discipline, and discharge its personnel, by failing to investigate and remedy Plaintiff POMPONIO's complaints of unfair retaliation and adverse work environment and by negligently discharging him, and by failing to investigate, discipline, remedy, and discharge those engaged in falsely accusing PAULA POMPONIO of bribery.

563. As a direct and proximate result of Defendants' negligent acts and omissions, Plaintiff POMPONIO and Plaintiff PAULA POMPONIO each suffered harm.

564. Defendants caused Plaintiff POMPONIO and Plaintiff PAULA POMPONIO each to suffer actionable harm and, therefore, each of them claims damages from Defendants to the fullest extent allowable at law and equity.

COUNT IV

DEFAMATION (SLANDER AND LIBEL) AS TO ALL PLAINTIFFS BY ALL DEFENDANTS

565. The allegations set forth in this Complaint are realleged and incorporated by reference as if fully set forth herein.

566. Defendants intentionally published (orally and in written form) false statements about Plaintiff POMPONIO and Plaintiff PAULA POMPONIO to Defendant TOWN, its Board of Selectmen, its Town Managers, and to others. Defendants also released such false statements to the Metrowest Daily News and other news sources.

567. Each of the statements at issue is a materially false statement of fact.

568. Some of the statements at issue are materially false statements of fact that allege Plaintiffs' dishonesty and commissions of crimes.

569. Defendants are at fault for publishing these statements as they knew the statements were materially false statements of fact and yet they acted with actual malice in publishing such statements. However, Defendants, at a minimum, acted negligently in publishing such statements.

570. Defendants directly and proximately caused Plaintiff POMPONIO and Plaintiff PAULA POMPONIO to suffer actual injury.

571. Defendants caused Plaintiff POMPONIO and Plaintiff PAULA POMPONIO each to suffer actionable harm and, therefore, each of them claims damages from Defendants to the fullest extent allowable at law and equity.

COUNT V

VIOLATIONS OF MASSACHUSETTS WHISTLEBLOWER ACT, MGL CH. 149, § 185, AS TO PLAINTIFF POMPONIO BY DEFENDANT TOWN

572. The allegations set forth in this Complaint are realleged and incorporated by reference as if fully set forth herein.

573. While employed as a police officer and public employee of Defendant TOWN OF ASHLAND, Plaintiff POMPONIO, reasonably and in good faith, reported information in writing to his immediate supervisor about Defendant TOWN's various public employees, who had engaged in violations of laws, rules and regulations, and presented a risk to the public health and safety of Defendant TOWN and its citizenry.

574. In the above-described manner, Plaintiff POMPONIO reported Defendants BRIGGS, FAWKES, MACQUARRIE, TOMASO, DOWNEY, and DIONNE, all whom were public employees or agents at the time.

575. As a result, Defendant TOWN, through its employees and Defendant SIMONEAU engaged in a methodical retaliatory course of action that included the drafting of a complaint and publishing said complaint against Plaintiff POMPONIO to the Town of Ashland Board of Selectmen, Town Managers, Metrowest Daily News, and Channel 5 News.

576. Additionally, Defendant TOWN allowed its public employee-Defendants BRIGGS, FAWKES, MACQUARRI, TOMASO, DOWN, DIONNE, SCHIAVI,

PETRIN, PURCELL, PURPLE, HEBDEN to retaliate against Plaintiff POMPONIO in his workplace, at his home, and publicly.

577. Defendants directly and proximately caused Plaintiff POMPONIO to suffer retaliation and an adverse and hostile working environment by which he was unfairly and repeatedly ridiculed, harassed, intimidated, humiliated and forced to endure long periods of severe emotional distress, unfairly disciplined, not fairly promoted, and ultimately unfairly terminated.

578. During his employment tenure, Plaintiff POMPONIO had requested whistleblower protection on at least five separate occasions, but he never received protection.

579. As a direct and proximate result of Defendants' conduct, Plaintiff POMPONIO was caused to suffer harm.

580. Defendants caused Plaintiff POMPONIO to suffer actionable harm and, therefore, he claims damages from Defendants to the fullest extent allowable at law and equity.

COUNT VI

ABUSE OF PROCESS SERVED ON PLAINTIFF POMPONIO BY DEFENDANTS TOWN, SCHIAVI, HEBDEN, FAWKES, BRIGGS, MACQAURRIE, DIONNE, TOMASO

581. The allegations set forth in this Complaint are realleged and incorporated by reference as if fully set forth herein.

582. Defendant TOWN, through its employee-Defendants, asserted charges which were knowingly, recklessly or negligently supported with materially false reports against Plaintiff POMPONIO to the Middlesex District Attorney Offices.

583. Defendant TOWN, through its employee-Defendants and agent-Defendants, used process to bring criminal and civil charges against Plaintiff POMPONIO for an improper purpose.

584. The prosecution of these charges against Plaintiff POMPONIO terminated in his favor.

585. Defendants directly and proximately caused Plaintiff POMPONIO to suffer harm.

586. Defendants caused Plaintiff POMPONIO to suffer actionable harm and, therefore, he claims damages from Defendants to the fullest extent allowable at law and equity.

COUNT VII

VIOLATION OF PLAINTIFFS' RIGHTS TO PRIVACY UNDER MGL CH. 214, § 1B BY DEFENDANTS TOWN, PETRIN, PURPLE, PURCELL, SCHIAVI, HEBDEN, ALBERINI, FAWKES, BRIGGS, MACQAUURIE, DIONNE, TOMASO, DOWNEY

587. The allegations set forth in this Complaint are realleged and incorporated by reference as if fully set forth herein.

588. Plaintiff POMPONIO and Plaintiff PAULA POMPONIO each have a statutory right against unreasonable, substantial or serious interference with their privacy.

589. Defendants interfered in an unreasonable, substantial or serious manner with Plaintiff POMPONIO'S and Plaintiff PAULA POMPONIO'S rights to privacy.

590. Defendants disclosed information to others including the public about Plaintiff POMPONIO and about Plaintiff PAULA POMPONIO that were private and of a highly personal or intimate nature.

591. Additionally, Defendants disclosed information to others including the public that consisted of facts about each of the Plaintiffs that consisted of views that neither of the

Plaintiffs hold and of actions that neither of the Plaintiffs took, causing Plaintiffs to be placed in a false light.

592. Plaintiffs were highly offended by Defendants' intrusion into their private affairs and seclusion and Defendants shining its false light upon each of them.

593. As a result, Defendants directly and proximately caused Plaintiff POMPONI and Plaintiff PAULA POMPONIO each to suffer harm.

594. Defendants caused Plaintiff POMPONIO and Plaintiff PAULA POMPONIO each to suffer actionable harm and, therefore, each of them claims damages from Defendants to the fullest extent allowable at law and equity.

COUNT IIX

TORTIOUS INTERFERENCE WITH EMPLOYMENT CONTRACT OF PLAINTIFF POMPONIO BY ALL DEFENDANTS

595. The allegations set forth in this Complaint are realleged and incorporated by reference as if fully set forth herein.

596. POMPONIO had an employment contract with Defendant TOWN.

597. Defendants knew of Plaintiff POMPONIO'S employment contract with Defendant TOWN.

598. Defendants knowingly induced the Defendant TOWN to break the contract.

599. Defendants' interference was intentional and involved improper and malicious motive or means and Defendant Town aided and abetted and condoned their wrongful conduct.

600. Defendants' actions directly and proximately caused Plaintiff POMPONIO to suffer harm.

601. Defendants caused POMPONIO to suffer actionable harm and he, therefore, claims damages from Defendants to the fullest extent allowable under the law and in equity.

COUNT IX

VIOLATION OF PLAINTIFFS' RIGHTS UNDER MASSACHUSETTS CIVIL RIGHTS ACT, MGL CH. 12, S 11H AND I, BY ALL DEFENDANTS

602. The allegations set forth in this Complaint are realleged and incorporated by reference as if fully set forth herein.

603. Defendants interfered by threats and intimidation with the exercise or enjoyment by Plaintiffs of their rights secured by the constitution or any law of the Commonwealth of Massachusetts.

604. Additionally, Defendant Town engaged in an unlawful pattern and practice that served to motivate and embolden employee-Defendants to so deprive Plaintiffs of their civil rights.

605. As a direct proximate result of Defendants' actions, Plaintiff POMPONIO and Plaintiff PAULA POMPONIO each suffered harm.

606. Defendants caused Plaintiff POMPONIO and Plaintiff PAULA POMPONIO each to suffer actionable harm and each of them, therefore, claims damages from Defendants to the fullest extent allowable under the law and in equity.

COUNT X

VIOLATION OF PLAINTIFFS' RIGHTS ARISING UNDER 42 USC § 1983 BY ALL DEFENDANTS

607. The allegations set forth in this Complaint are realleged and incorporated by reference as if fully set forth herein.

608. Defendants, under color or law, deprived Plaintiffs of their rights, privileges or immunities secured by the federal Constitution including its First, Fourth, Fifth, and Fourteenth Amendments.

609. Additionally, Defendant Town engaged in an unlawful pattern and practice that served to motivate and embolden employee-Defendants to so deprive Plaintiffs their federal civil rights.

610. As a direct and proximate cause, Plaintiff POMPONIO and Plaintiff PAULA POMPONIO each suffered harm.

611. Defendants caused Plaintiff POMPONIO and Plaintiff PAULA POMPONIO each to suffer actionable harm and each of them, therefore, claims damages from Defendants to the fullest extent allowable under the law and in equity and including 42 USC § 1988.

COUNT XI

WRONGFUL TERMINATION OF PLAINTIFF POMPONIO BY DEFENDANT TOWN

612. The allegations set forth in this Complaint are realleged and incorporated by reference as if fully set forth herein.

613. Defendant TOWN entered into written contract of employment with Plaintiff POMPONIO.

614. Defendant TOWN breached the contract of employment it had with Plaintiff POMPONIO.

615. Defendant TOWN lacked good cause to termination Plaintiff POMPONIO from its employ.

616. Additionally, Defendant TOWN wrongfully terminated Plaintiff POMPONIO from its employ in violation of public policy.

617. Defendants caused Plaintiff POMPONIO to suffer actionable harm and he, therefore, claims damages from Defendants to the fullest extent allowable under the law and in equity.

COUNT XII

LOSS OF CONSORTIUM, SOCIETY AND SUPPORT OF EACH PLAINTIFF FROM THE OTHER PLAINTIFF BY ALL DEFENDANTS

618. The allegations set forth in this Complaint are realleged and incorporated by reference as if fully set forth herein.

619. On all dates relative to the subject matter contained in this complaint, Plaintiff POMPONIO and Plaintiff PAULA POMPONIO were and continue to be married to each other as husband and wife.

620. At all times herein described, Defendants' wrongful actions caused Plaintiff POMPONIO to suffer personal injuries.

621. At all times herein described, Defendants' wrongful actions caused Plaintiff PAULA POMPONIO to suffer personal injuries.

622. As a direct and proximate result, Plaintiff POMPONIO suffered the loss of his wife's consortium, society and support and Plaintiff PAULA POMPONIO suffered the loss her husband's consortium, society and support.

623. Defendants' actions caused Plaintiff POMPONIO and Plaintiff PAULA POMPONIO actionable harm and each of them, therefore, claims damages from Defendants to the fullest extent allowable under the law and in equity.

COUNT I

BATTERY AS TO DEFENDANT GREGORY FAWKES UPON EDWARD POMPONIO

624. The allegations set forth in this Complaint are realleged and incorporated by reference as if fully set forth herein.
625. FAWKES did intentionally touch POMPONIO without POMPONIO's consent.
626. The touching by FAWKES upon POMPONIO was in a harmful or offensive manner.
627. At all times herein described, FAWKES' wrongful actions caused Plaintiff POMPONIO to suffer personal injuries to be proven at trial.
628. FAWKES' actions caused POMPONIO actionable harm and therefore claims damages from FAWKES to the fullest extent allowable under the law and in equity.

RELIEF REQUESTED

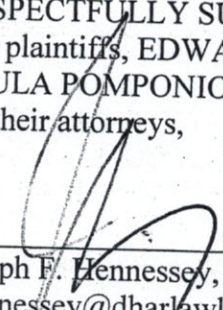
WHEREFORE, the plaintiffs, Edward POMPONIO and PAULA POMPONIO, request this Court:

- A. Award judgment in Plaintiffs' favor and in such amounts that compensate Plaintiffs to the greatest extent allowable in equity and at law;
- B. Award punitive damages, where applicable, to Plaintiffs;
- C. Award interest, costs (including costs for experts) and their reasonable attorney fees to Plaintiffs pursuant to 42 USC §§ 1983 and 1988, MGL Ch. 12, § 11H and I, and any other statute or common law theory of recovery applicable to the facts of this case;
- D. Order Defendants to cease their prospective wrongful conduct; and
- E. Award and/or order such further relief to Plaintiffs as this Court deems fair and just.

JURY DEMAND

The plaintiffs, Edward POMPONIO and PAULA POMPONIO, hereby demand a trial by jury on all issues so triable.

RESPECTFULLY SUBMITTED:
The plaintiffs, EDWARD POMPONIO and
PAULA POMPONIO,
By their attorneys,



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Filed: December ____, 2014.